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Agenda item 73
Comprehensive Nuclear-Test-Ban Treaty

Letter dated 30 October 2002 from the Permanent Representatives of Australia, Japan and the Netherlands to the United Nations addressed to the Secretary-General

We, the Permanent Representatives of Australia, Japan and the Netherlands, have the honour to refer to the Joint Ministerial Statement in support of the Comprehensive Nuclear-Test-Ban Treaty, which was launched on 14 September at United Nations Headquarters. Ministers from 50 countries have associated themselves with the joint statement. It expresses a strong commitment to the aims of the treaty and is intended to encourage further ratifications of this vital non-proliferation instrument, leading to its entry into force.

A copy of the statement and the list of signatories are attached (see annex). We would be grateful for your assistance in making both available as documents of the General Assembly, under agenda item 73.

(*Signed*) John **Dauth**
Permanent Representative of Australia to the United Nations

(*Signed*) Koichi **Haraguchi**
Permanent Representative of Japan to the United Nations

(*Signed*) Dirk Jan **van den Berg**
Permanent Representative of the Kingdom of the Netherlands
to the United Nations

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Annex to the letter dated 30 October 2002 from the Permanent Representatives of Australia, Japan and the Netherlands to the United Nations addressed to the Secretary-General

Joint Ministerial Statement on the Comprehensive Nuclear-Test-Ban Treaty

1. We, the Foreign Ministers who have issued this statement, join together to reaffirm the vision which was the basis for the conclusion of the Comprehensive Nuclear-Test-Ban Treaty. That vision was for a treaty which would rid the world of nuclear weapon test explosions and would contribute to the systematic and progressive reduction of nuclear weapons and the prevention of nuclear proliferation as a major instrument in the field of nuclear disarmament and non-proliferation.

2. The early entry into force of the Comprehensive Nuclear-Test-Ban Treaty, which would bring about the cessation of all nuclear weapon test explosions and any other nuclear explosions, has been identified by the United Nations General Assembly as being central to nuclear disarmament and non-proliferation objectives. The last Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons also emphasized the importance of the Comprehensive Nuclear-Test-Ban Treaty, listing its entry into force as the first of a series of practical steps needed to achieve the nuclear disarmament and non-proliferation objectives of the Nuclear Non-Proliferation Treaty.

3. The prevention of the proliferation of materials, technologies and knowledge that can be used for weapons of mass destruction is one of the most important challenges the world is facing today. Additional international tensions have developed since the Comprehensive Nuclear-Test-Ban Treaty was negotiated, which make the entry into force of the treaty, within the broader framework of multilateral arms control and non-proliferation efforts, even more urgent today. We affirm that the treaty has an essential role to play in strengthening global peace and security. This role should be recognized by all of us.

4. We call upon all States that have not yet signed and ratified the Comprehensive Nuclear-Test-Ban Treaty to sign and ratify it as soon as possible, in particular those whose ratification is needed for its entry into force. To help bring this about, we will make representations as appropriate, individually or together, including at regional and multilateral meetings, in order to make the treaty a focus of attention at the highest political levels. The scientific community, non-governmental organizations and other elements of civil society also have a role to play in raising awareness of and in strengthening support for the treaty.

5. We call upon all States to continue a moratorium on nuclear weapon test explosions or any other nuclear explosions. Voluntary adherence to such a moratorium is of the highest importance, but cannot serve as a substitute for entry into force of the treaty. Only the Comprehensive Nuclear-Test-Ban Treaty offers to the global community the prospect of a permanent and legally binding commitment to end nuclear testing.

6. We consider that it is vital to maintain momentum in building the verification machinery so that it is ready to guarantee compliance with the Treaty. We appeal to all States signatories to make available the financial resources needed to build and

operate the verification system as soon as possible, through the full and timely payment of assessed contributions. Completing the verification system foreseen in the treaty by its entry into force will ensure a high level of confidence that States are maintaining their treaty commitments.

7. The verification system will be unprecedented in its global reach. In addition to its primary function, it will bring scientific and civil benefits, particularly to developing countries, through technology transfer and exchange of scientific know-how, as a result of the installation and use of seismic, radionuclide, infrasound and hydroacoustic networks. Moreover, technical cooperation between States can help to enhance the already impressive verification capabilities under the treaty. We will be seeking ways to ensure that cooperation among States signatories allows for effective technical assistance, and we call upon other States to join us in this endeavour.

8. We will spare no effort in seeking to realize the vision of a ban on nuclear weapon test explosions, which culminated in conclusion of the Comprehensive Nuclear-Test-Ban Treaty in 1996, and invite our fellow Foreign Ministers to join us in this task.

Alexander Downer
Minister for Foreign Affairs of Australia

Betina Ferrero-Waldner
Federal Minister for Foreign Affairs of the Republic of Austria

Vilayat Quliyev
Minister of Foreign Affairs of the Republic of Azerbaijan

Mikhail Khvostov
Minister of Foreign Affairs of the Republic of Belarus

Louis Michel
Minister for Foreign Affairs of Belgium

Solomon Passy
Minister of Foreign Affairs of the Republic of Bulgaria

William Graham
Minister of Foreign Affairs of Canada

Maria Soledad Alvear Valenzuela
Minister for Foreign Affairs of the Republic of Chile

Tonino Picula
Minister for Foreign Affairs of the Republic of Croatia

Cyril Svoboda
Deputy Prime Minister and Minister for Foreign Affairs
of the Czech Republic

Per Stig Moeller
Minister for Foreign Affairs of Denmark

Kristiina Ojuland
Minister for Foreign Affairs of the Republic of Estonia

Keliopate Tavola
Minister for Foreign Affairs, External Trade and Sugar of the
Republic of the Fiji Islands

Erkki Tuomioja
Minister for Foreign Affairs of the Republic of Finland

Dominique Galouzeau de Villepin
Minister for Foreign Affairs of the French Republic

Joschka Fischer
Minister for Foreign Affairs of the Federal Republic of Germany

Georgios Papandreou
Minister for Foreign Affairs of the Hellenic Republic

László Kovács
Minister for Foreign Affairs of the Republic of Hungary

Halldór Ásgrímsson
Minister for Foreign Affairs and External Trade
of the Republic of Iceland

Brian Cowen
Minister for Foreign Affairs of Ireland

Silvio Berlusconi
Prime Minister and Minister for Foreign Affairs of Italy

Keith Desmond Knight
Minister for Foreign Affairs and Trade of Jamaica

Yoriko Kawaguchi
Minister for Foreign Affairs of Japan

Marwan Muasher
Minister for Foreign Affairs of the Hashemite Kingdom of Jordan

Marsden Herman Madoka
Minister for Foreign Affairs and International Cooperation
of the Republic of Kenya

Teburoro Tito
President and Minister for Foreign Affairs of the Republic of Kiribati

Antanas Valionis
Minister for Foreign Affairs of the Republic of Lithuania

Lydie Polfer
Minister for Foreign Affairs of the Grand Duchy of Luxembourg

Joseph Borg
Minister for Foreign Affairs of the Republic of Malta

Jaap de Hoop Scheffer
Minister for Foreign Affairs of the Kingdom of the Netherlands

Phil Goff
Minister of Foreign Affairs and Trade of New Zealand

Alhaji Sule Lamido
Minister for Foreign Affairs of the Federal Republic of Nigeria

Jan Petersen
Minister for Foreign Affairs of Norway

Jorge Enrique Halphen Perez
for the Minister for Foreign Affairs of Panama

Allan Wagner Tizón
Minister for Foreign Affairs of the Republic of Peru

Blas F. Ople
Secretary for Foreign Affairs of the Republic of the Philippines

Wladzimierz Cimoszewicz
Minister for Foreign Affairs of the Republic of Poland

Antonio Martins da Cruz
Minister for Foreign Affairs of the Republic of Portugal

Choi Sung-hong
Minister for Foreign Affairs and Trade of the Republic of Korea

Mircea Geoana
Minister for Foreign Affairs of Romania

Igor S. Ivanov
Minister for Foreign Affairs of the Russian Federation

Eduard Kukan
Minister for Foreign Affairs of the Slovak Republic

Dimitrij Rupel
Minister for Foreign Affairs of the Republic of Slovenia

Nkosazana Clarice Dlamini-Zuma
Minister for Foreign Affairs of the Republic of South Africa

Ana Palacio
Minister for Foreign Affairs of Spain

Anna Lindh
Minister for Foreign Affairs of Sweden

Joseph Deiss
Minister for Foreign Affairs of the Swiss Confederation

Şükrü Sina Gürel
Deputy Prime Minister and Minister for Foreign Affairs
of the Republic of Turkey

Jack Straw
Secretary of State for Foreign and Commonwealth Affairs
of the United Kingdom of Great Britain and Northern Ireland

Abdulaziz Kamilov
Minister for Foreign Affairs of the Republic of Uzbekistan

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Fifty-seventh session
Agenda item 125
Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Conditions of service for the ad litem judges of the International Tribunal for Rwanda

Report of the Secretary-General*

Summary

The Security Council, by its resolution 1431 (2002) of 14 August 2002, decided to establish a pool of ad litem judges in the International Tribunal for Rwanda. The Secretary-General is proposing to establish the conditions of service applicable to the ad litem judges of the International Tribunal for Rwanda based on the provisions of General Assembly resolution 56/285 of 27 June 2002, on the emoluments and other conditions of service of the members of the International Court of Justice and the judges of the International Tribunals for the Former Yugoslavia and for Rwanda as well as the ad litem judges of the International Tribunal for the Former Yugoslavia. The Secretary-General would thus propose that the conditions of service approved by the General Assembly for the ad litem judges of the International Tribunal for the Former Yugoslavia be applied to the ad litem judges of the International Tribunal for Rwanda.

* The present report was prepared pursuant to Security Council resolution 1431 (2002) of 14 August 2002, by which the Council established a pool of ad litem judges in the International Tribunal for Rwanda.

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I. Introduction

1. In his report to the General Assembly at its fifty-sixth session on the financing of the International Tribunal for Rwanda, the Secretary-General indicated that the use of ad litem judges to dispose of the Tribunal's caseload was to be the subject of a separate request to the Security Council and the General Assembly (A/56/497, para. 6).

2. The Security Council, acting under Chapter VII of the Charter of the United Nations, by its resolution 1431 (2002) of 14 August 2002, decided to establish a pool of ad litem judges in the International Tribunal for Rwanda, and to that end decided to amend articles 11, 12 and 13 of the Tribunal's Statute and also decided to amend articles 13 bis and 14 of the Statute of the International Tribunal for the Former Yugoslavia.

3. Under the new article 11 (Composition of the Chambers) of the Statute of the International Tribunal for Rwanda, the Chambers shall be composed of 16 permanent independent judges, no two of whom may be nationals of the same State, and a maximum at any one time of four ad litem independent judges appointed in accordance with new article 12 ter, paragraph 2, of the Statute, no two of whom may be nationals of the same State. The article also stipulates that three permanent judges and a maximum at any one time of four ad litem judges shall be members of each Trial Chamber. Each Trial Chamber to which ad litem judges are assigned may be divided into sections of three judges each, composed of both permanent and ad litem judges. A section of a Trial Chamber shall have the same powers and responsibilities as a Trial Chamber under the Statute and shall render judgement in accordance with the same rules. The article further stipulates that seven of the permanent judges shall be members of the Appeals Chamber.

4. The revised article 13 (Officers and members of the Chambers) includes a provision to the effect that two of the permanent judges elected or appointed in accordance with article 12 bis of the Statute of the International Tribunal for Rwanda shall be assigned to be members of the Appeals Chamber of the International Tribunal for the Former Yugoslavia and eight to the Trial Chambers of the International Tribunal for Rwanda. Under article 12 ter, after the Secretary-General has invited nominations for ad litem judges of the International Tribunal for Rwanda from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters and the Security Council has established a list of not less than 36 candidates, the General Assembly shall elect 18 ad litem judges of the International Tribunal for Rwanda for a term of four years. During their term, ad litem judges will be appointed by the Secretary-General, upon the request of the President of the International Tribunal for Rwanda, to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years.

5. In paragraph 2 of resolution 1431 (2002), the Security Council requested the Secretary-General to make practical arrangements for the election as soon as possible of 18 ad litem judges in accordance with article 12 ter of the Statute of the International Tribunal for Rwanda and for the timely provision to the International Tribunal for Rwanda of personnel and facilities, in particular, for the ad litem judges and related offices of the Prosecutor, and further requested the Secretary-General to keep the Security Council closely informed of progress in that regard.

II. Background information on the adoption of the conditions of service for the judges of the International Tribunals and the ad litem judges of the International Tribunal for the Former Yugoslavia

6. By its resolution 827 (1993) of 25 May 1993, the Security Council decided to establish the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and adopted its Statute. Article 13, paragraph 4, of the Statute provides that the terms and conditions of service of judges shall be those of the judges of the International Court of Justice (ICJ). By its resolution 955 (1994) of 8 November 1994, the Council decided to establish the International Tribunal for Rwanda (ICTR) and adopted its Statute. Article 12, paragraph 5, of that Statute provides that the terms and conditions of service of judges shall be those of the judges of the International Tribunal for the Former Yugoslavia (ICTY).

7. In his report to the General Assembly at its fifty-sixth session on the financing of the International Tribunal for the Former Yugoslavia (A/55/517), the Secretary-General indicated that, since its inception, the Tribunal had undergone rapid and continuous expansion, Accordingly, it was proposed to expand the trial capacity of the Tribunal by introducing the use of ad litem judges, as part of the medium- and longer-term measures designed to improve the operations of the Tribunal. The proposals were based on the study on the operations of the Tribunal, submitted as part of the report on the same topic (see A/55/382-S/2000/865).

8. The Security Council, acting under Chapter VII of the Charter of the United Nations, by its resolution 1329 (2000) of 30 November 2000, decided to establish a pool of ad litem judges in ICTY and to enlarge the membership of the Appeals Chambers of both ICTY and ICTR. The Council also decided to amend articles 12, 13, and 14 of the Statute of ICTY and articles 11, 12 and 13 of the Statute of ICTR. At that time, however, the ICTR Statute was not amended to include a provision for the utilization of ad litem judges.

9. The General Assembly, in its resolution 55/225 A of 23 December 2000, took note of Security Council resolution 1329 (2000) concerning the establishment of a pool of ad litem judges in ICTY and decided to revert, at its resumed fifty-fifth session, to the consideration of resources requirements for the implementation of modifications to the ICTY Statute, without prejudice to the nomination and election of the ad litem judges.

10. Further to General Assembly resolution 55/225, with respect to the statement of the Chairman of the Advisory Committee on Administrative and Budgetary Questions regarding the conditions of service of the ad litem judges (see A/C.5/55/SR.35, para. 4), the Secretary-General submitted his report (A/55/756) on the conditions of service of the ad litem judges of ICTY.

11. Paragraph 1 (a) of article 13 quater of the ICTY Statute specifies that, during the period in which they are appointed to serve in the Tribunal, ad litem judges shall benefit from the same terms and conditions of service, mutatis mutandis, as the permanent judges of the Tribunal. However, ad litem judges would be entitled to receive benefits only once they have been appointed to serve on one or more trials

and, if they are so appointed, they would be so entitled only for as long as and in respect of the period that they are so appointed.

12. Accordingly, the Secretary-General proposed that the conditions of service approved by the General Assembly for the judges of the International Tribunals by its resolution 53/214 of 18 December 1998 and the travel and subsistence regulations for the judges of the International Tribunals contained in annex III to his report to the General Assembly at its fifty-second session (A/52/520) should be applied to the ad litem judges of the International Tribunal for the Former Yugoslavia.

13. The Secretary-General thus proposed the following conditions of service to be applicable to ad litem judges of the International Tribunal for the Former Yugoslavia:

(a) *Emoluments*. With regard to emoluments:

(i) Ad litem judges should receive an annual salary of US$ 160,000, prorated for length of service;

(ii) The floor/ceiling measures that were applicable to the members of the International Court of Justice and judges of the International Tribunal for the Former Yugoslavia should also apply to the emoluments of ad litem judges serving at The Hague;

(b) *Travel costs and subsistence benefits*. Ad litem judges should be entitled to payment of travel expenses and subsistence benefits as set forth in the travel and subsistence regulations for judges of the International Tribunal for the Former Yugoslavia and the judges of the International Tribunal for Rwanda contained in annex III to document A/52/520;

(c) *Education allowance*. Ad litem judges should be entitled to education allowance in accordance with the provisions contained in section II of General Assembly resolution 53/209 of 18 December 1998;

(d) *Survivors' lump sum benefit*. In paragraph 7 of its resolution 54/240 of 23 December 1999, the General Assembly had approved the recommendations of the Advisory Committee on the note of the Secretary-General (A/C.5/54/30) on conditions of service for the judges of the International Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia concerning the establishment of a lump-sum payment for survivors of the judges. Accordingly, in the event of the death of judges of the International Tribunals, survivors would be compensated in the form of a lump-sum payment equivalent to one month of base salary for each year of service, subject to a minimum of one month and a maximum of four months. In the case of ad litem judges, the Secretary-General would propose that, in the event of the death of an ad litem judge, survivors would be compensated in the form of a lump-sum payment equivalent to one month of base salary for each year of service, subject to a minimum of one month and a maximum of three months;

(e) *General conditions*. The following general conditions should apply to ad litem judges: ad litem judges might not exercise any political or administrative function, or engage in any other occupation of a professional nature, during their term of appointment in office. The entitlements and allowances listed above should be conditional on the residence of the ad litem judge at The Hague;

(f) *Medical insurance*. Ad litem judges, for the duration of their appointment, might participate in the medical insurance plan appropriate to their duty station under the same conditions applicable to the judges of the International Tribunals (A/55/756, para. 20).

14. The Secretary-General further recommended that ad litem judges of ICTY not be entitled to pension benefits. A judge who had retired from ICTY, ICTR or ICJ and was the recipient of a pension therefrom would not continue to receive that pension during the time he or she served as an ad litem judge.

15. Any period of service as an ad litem judge of the International Tribunal for the Former Yugoslavia would not be counted towards and added for years of qualifying service that a judge might have with either of the two International Tribunals or the International Court for pension purposes.

16. With regard to the establishment of disability benefits for ad litem judges of the International Tribunal for the Former Yugoslavia, it was recognized by the Organization that there was a need to take care of disability payment in respect of a service period. Therefore, the Secretary-General proposed that should an ad litem judge of the Tribunal be found unable to perform his or her duties because of ill-health or disability, he or she would be entitled to receive payment of his or her salary for the service period. There would be no liability beyond that period.

17. By virtue of the limitation on their length of appointment and taking into account the conditions applied to the permanent judges, ad litem judges of the International Tribunal for the Former Yugoslavia would not be eligible for payment of relocation allowance.

18. In section VIII, paragraph 7, of its resolution 53/214 of 18 December 1998, the General Assembly decided that the emoluments, pensions and other conditions of service for the members of the International Court of Justice, the judges of the International Tribunal for the Former Yugoslavia and the judges of the International Tribunal for Rwanda should be reviewed at the fifty-sixth session of the Assembly. In the event that adjustments in the conditions of service and compensation for the members of the International Court of Justice and for the judges of the International Tribunals are proposed, such adjustments would also be applied, where appropriate, to ad litem judges of the International Tribunal for the Former Yugoslavia.

19. In his report to the General Assembly at its fifty-fifth session (A/55/756), the Secretary-General requested the Assembly to consider approval of the conditions of service for ad litem judges of the International Tribunal for the Former Yugoslavia which he had proposed in paragraphs 18 to 25 of the report.

20. The Advisory Committee, in paragraph 7 of its report (A/55/806), drew attention to the fact that, whereas judges of the International Court of Justice were elected for a term of nine years and might be re-elected, and judges of the Tribunals were elected for a term of four years and might be re-elected, the service of the ad litem judges was of a much more temporary nature and could be intermittent. This essential difference had been taken into account by the Committee in evaluating the necessity of a number of the entitlements and allowances proposed in the report of the Secretary-General.

21. Accordingly, the Advisory Committee agreed with the Secretary-General's proposals concerning the annual salary of $160,000, prorated for length of service

and with application of the floor-ceiling measures, the proposal to extend the travel and subsistence regulations in effect for the judges, and with the proposal to provide disability benefits limited to injury or illness attributable to service with ICTY.

22. The General Assembly, in its resolution 55/249 of 12 April 2001, endorsed the observations and recommendations of the Advisory Committee contained in its report (ibid., paras. 7-15) on the emoluments, travel and subsistence regulations and disability payments for the ad litem judges of the International Tribunal for the Former Yugoslavia.

23. In his comprehensive report to the General Assembly at its fifty-sixth session on the conditions of service and compensation for other than Secretariat officials: members of the International Court of Justice, judges of the International Tribunal for the Former Yugoslavia, judges of the International Tribunal for Rwanda and ad litem judges of the International Tribunal for the Former Yugoslavia (A/C.5/56/14), the Secretary-General submitted his review and recommendations relating to the remuneration and other conditions of service for the members of the International Court of Justice, and corresponding recommendations with respect to the remuneration and other conditions of service of the judges of the International Tribunals and the ad litem judges of the International Tribunal for the Former Yugoslavia.

24. In paragraph 1 of its resolution 56/285 of 27 June 2002, the General Assembly endorsed the observations and recommendations of the Advisory Committee contained in its report (A/56/7/Add.2) with regard to the emoluments, the special allowance of the President and for the Vice-President when acting as President, the education grant, pensions and other conditions of service of the members of the International Court of Justice, the judges of the International Tribunal for the Former Yugoslavia, the judges of the International Tribunal for Rwanda and the ad litem judges of the International Tribunal for the Former Yugoslavia, without prejudice to the existing rules governing the conditions of service of the judges of the Tribunals.

III. Adoption of changes to the Statute of the International Tribunal for Rwanda

25. Under article 12 ter of the Statute of the International Tribunal for Rwanda, ad litem judges shall be elected for a term of four years and that they shall not be eligible for re-election (para. 1 (e)). During their term, ad litem judges will be appointed by the Secretary-General, upon request of the President of the Tribunal, to serve in the Trial Chambers for one or more trials, for a cumulative period of up to, but not including, three years (para. 2).

26. Paragraph 1 (a) of article 12 quater of the Statute specifies that during the period in which they are appointed to serve in the International Tribunal, ad litem judges shall benefit from the same terms and conditions of service, mutatis mutandis, as the permanent judges of the International Tribunal for Rwanda. However, ad litem judges would be entitled to receive benefits only once they had been appointed to serve on one or more trials and, if they were so appointed, they would be so entitled only for as long as and in respect of the period that they were so appointed.

27. As noted above, the General Assembly, in its resolution 55/285, had endorsed the recommendations of the Advisory Committee vis-à-vis the emoluments and other conditions of service of the members of the International Court and the judges of the International Tribunals as well as the ad litem judges of ICTY. The Secretary-General would thus propose that the conditions of service approved by the General Assembly for the ad litem judges of ICTY be applied to the ad litem judges of ICTR.

28. Accordingly, the Secretary-General would propose that the following conditions of service shall be applicable to ad litem judges of the International Tribunal for Rwanda:

(a) *Emoluments.* With regard to emoluments, ad litem judges of the International Tribunal for Rwanda shall receive an annual salary of $160,000, prorated for length of service;

(b) *Travel costs and subsistence benefits.* Ad litem judges of the International Tribunal for Rwanda shall be entitled to payment of travel expenses and subsistence benefits as set forth in the travel and subsistence regulations for judges of the International Tribunal for the Former Yugoslavia and the judges of the International Tribunal for Rwanda contained in annex III to document A/52/520 and as revised by the General Assembly in its resolution 56/285 of 27 June 2002.

29. Ad litem judges of the International Tribunal for Rwanda shall not be entitled to pension benefits. A judge who has retired from the International Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda or the International Court of Justice and is the recipient of a pension therefrom would not continue to receive that pension during the time he or she serves as an ad litem judge.

30. Any period of service as an ad litem judge of the International Tribunal for Rwanda would not be counted towards and added for years of qualifying service that a judge might have with the International Tribunal for the Former Yugoslavia, the International Tribunal for Rwanda or the International Court of Justice for pension purposes.

31. Concerning the establishment of disability benefits for ad litem judges of the International Tribunal for Rwanda, it is recognized by the Organization that there is a need to take care of disability payment in respect of a service period. Therefore, should an ad litem judge be found unable to perform his or her duties because of ill-health or disability, he or she would be entitled to receive payment of his or her salary for the service period. There would be no liability beyond that period. The Advisory Committee recommended and the General Assembly agreed that disability payments would be limited to injury or illness attributable to service with the Tribunal.

32. By virtue of the limitation on their length of appointment and taking into account the conditions applied to the permanent judges, ad litem judges of the International Tribunal for Rwanda would not be eligible for payment of relocation allowance.

33. In paragraph 2 of its resolution 56/285, the General Assembly decided that the conditions of service and remuneration for the members of the

International Court of Justice and the judges of the International Tribunal for the Former Yugoslavia, the judges of the International Tribunal for Rwanda and the ad litem judges of the International Tribunal for the Former Yugoslavia should next be reviewed at the fifty-ninth session of the Assembly. In the event that adjustments in the conditions of service and compensation for the members of the International Court of Justice and for the judges of the International Tribunals are proposed, such adjustments would also be applied, where appropriate, to ad litem judges of both the International Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda.

IV. Conclusions and recommendations

34. The General Assembly may wish to approve the conditions of service for ad litem judges of the International Tribunal for Rwanda as proposed in paragraphs 28 to 33 above.

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Agenda item 10
Report of the Secretary-General on the work of the Organization

Security Council
Fifty-seventh year

Prevention of armed conflict: views of organs, organizations and bodies of the United Nations system

Report of the Secretary-General*

Summary

The present report is submitted pursuant to paragraph 3 of General Assembly resolution 55/281, in which the Assembly called upon all relevant organs, organizations and bodies of the United Nations system to consider, in accordance with their mandates, the recommendations addressed to them in the report of the Secretary-General on the prevention of armed conflict (A/55/985-S/2001/574 and Corr.1). The report provides details of the action taken to date to fulfil the provisions of resolution 55/281.

* Owing to incoming replies from organs, organizations and bodies of the United Nations system to the letter of the Secretary-General dated 15 May 2002, the report could not be submitted at an earlier date.

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1. The present report has been prepared in accordance with paragraph 3 of General Assembly resolution 55/281 of 1 August 2001, in which the Assembly called upon all relevant organs, organizations and bodies of the United Nations system to consider, in accordance with their mandates, the recommendations addressed to them in the report of the Secretary-General on the prevention of armed conflict (A/55/985-S/2001/574 and Corr.1), and to inform the Assembly, preferably during its fifty-sixth session, of their views in this regard.

2. In a letter dated 26 April 2002 (A/56/935), the President of the General Assembly requested the Secretary-General to bring the request contained in paragraph 3 of resolution 55/281 and the report on the prevention of armed conflict to the attention of the relevant organs, organizations and bodies of the United Nations system. The President also requested that the Secretary-General submit to the General Assembly a report setting out, in a consolidated form, any views submitted by the aforementioned organs, organizations and bodies pursuant to paragraph 3 of resolution 55/281, as well as the replies, if any, received from regional and subregional organizations and/or civil society actors mentioned in paragraphs 2 and 4 of the same resolution.

3. On 15 May 2002, the Secretary-General addressed a letter to 42 organs, organizations and bodies of the United Nations system. As at 25 October 2002, 26 submissions had been received.[1] The replies discuss in some detail the progress made towards implementing the recommendations contained in the report of the Secretary-General. As more replies are submitted from relevant United Nations organs, organizations and bodies, as well as from regional and subregional organizations and civil society actors, the Secretary-General will issue a more comprehensive, final report on the matter. The texts of the submissions from two principal organs of the United Nations, the International Court of Justice and the Economic and Social Council, are reproduced in annexes I and II to the present report. The Security Council had adopted a substantial resolution on the matter on 30 August 2001 (resolution 1366 (2001)).

4. The General Assembly and the Economic and Social Council have stipulated that, when a document is prepared on the basis of submissions by the agencies and programmes of the United Nations system, such submissions should not be reproduced in extenso in the body of the document or in an annex to it. Therefore, the replies received from agencies and programmes of the United Nation system are not reproduced in the present report. The Assembly and the Council decided that, should the body concerned wish to view the texts of such replies and submissions, the Secretariat should make them available in the original language and in an appropriate form. Consequently, when the Assembly resumes its discussion of this item at its fifty-seventh session, the Secretariat can make the full texts of the submissions available to interested delegations.

5. In their replies, the organs, organizations and bodies of the United Nations system reinforce the central premise of the report on the prevention of armed conflict. Conflict prevention lies at the heart of the United Nations mandate to maintain international peace and security. Preventing potential conflicts from violent outbreak is imperative not only for long-term security but is also essential for sustainable development. It is far better and more cost-effective to prevent deadly conflicts than to find a cure once conflicts have erupted. The entire United Nations system is prepared to work towards this goal in its daily work, as well as through its

various cooperative mechanisms as described in the report of the Secretary-General on the prevention of armed conflict.

6. The most valuable contribution that Member States can make towards this end is to enhance their national capacity for prevention. The United Nations is well placed to assist in this endeavour. The aftermath of 11 September 2001 not only reinforced the urgency of prevention, it also reaffirmed that prevention is not merely a choice but also a compelling necessity at the national, regional and international levels. The menace of terrorism and weapons of mass destruction has also heightened the need for far-reaching cooperation in the international community in its move towards a culture of prevention. From the responses received, it is obvious that there is a sense of urgency in the entire United Nations family to undertake enhanced efforts in cooperation and coordination.

7. A greater coherence within the United Nations system will better enable the Organization to assist Member States in enhancing their national capacity for conflict prevention. The United Nations family of organs, organizations and bodies noted its interaction with Governments and United Nations partners in this area of growing cooperation. For example, the Executive Committee on Peace and Security has established an interdepartmental and inter-agency resource group, which is making plans to implement the recommendations contained in the report on the prevention of armed conflict, including those that address the roles of regional organizations, civil society and the private sector in contributing to strategies that prevent violence.

8. The United Nations has a moral responsibility to ensure that genocides, such as the one perpetrated in Rwanda, are prevented from ever happening again. The world can no longer bear the moral, humanitarian and other costs of not preventing violent conflicts. The Secretary-General will work tirelessly with partners in the United Nations system and within the entire international community to move the Organization from a culture of reaction to a culture of prevention, not only in rhetoric but in concrete, system-wide action.

Recommendation

9. **It is reassuring that a general consensus is gradually emerging among Member States that comprehensive and coherent conflict prevention strategies offer the greatest potential for promoting lasting peace and creating an enabling environment for sustainable development. The General Assembly is urged to adopt a strong and substantive resolution in support of conflict prevention, as the Security Council did on 30 August 2001.**

10. **As more replies are submitted from relevant United Nations organs, organizations and bodies, as well as from regional and subregional organizations and civil society actors, the Secretary-General will submit a further report on this matter, including a consolidated summary of all replies received, in accordance with paragraphs 2 to 4 of General Assembly resolution 55/281.**

Notes

[1] The responding organizations were the following, listed in the order in which the submissions were received: World Intellectual Property Organization, United Nations Industrial Development Organization, International Maritime Organization, International Court of Justice, United Nations Office for Drug Control and Crime Prevention, United Nations Institute for Training and Research, United Nations Institute for Disarmament Research, World Bank Group, World Food Programme, United Nations System Staff College, Universal Postal Union, United Nations Conference on Trade and Development, Economic and Social Council, International Labour Office, Organization for the Prohibition of Chemical Weapons, Office of the United Nations High Commissioner for Human Rights, Office of the United Nations High Commissioner for Refugees, Food and Agriculture Organization of the United Nations, United Nations Educational, Scientific and Cultural Organization, United Nations Children's Fund, United Nations Development Programme, United Nations University, United Nations Research Institute for Social Development, United Nations Population Fund, United Nations Interregional Crime and Justice Research Institute and United Nations Relief and Works Agency for Palestine Refugees in the Near East.

Annex I

Letter dated 18 June 2002 from the President of the International Court of Justice addressed to the Secretary-General

I refer to your letter dated 15 May 2002, whereby you asked me to provide you with the views of the International Court of Justice on your report on the prevention of armed conflict (A/55/985-S/2001/574 and Corr.1) and its recommendations. This is undoubtedly a topic of the utmost importance and I would add that I wholeheartedly agree that conflict prevention lies at the heart of the mandate of the United Nations in the maintenance of international peace and security.

With regard to your report, I would make the preliminary point that the International Court of Justice has indeed lived up to its role in the Charter of the United Nations as an essential instrument in the pacific settlement of disputes between States. As noted in your report, the Court is an indispensable element of the system of peaceful settlement of disputes established by the Charter. The growing docket of the Court is clear evidence of the trust that States are increasingly placing in it. In the current year alone, the Court has dealt with various different and significant cases. In February, the Court rendered its Judgment in the *Arrest Warrant of 11 April 2000 (Democratic Republic of the Congo v. Belgium)* case; in February/March it held five weeks of hearings in the *Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria: Equatorial Guinea intervening)* case; in May, it was apprised of a new case brought by special agreement between Benin and the Niger concerning land boundary issues (for which a Chamber will be constituted); and in the current month of June the Court has held hearings in the *Sovereignty over Pulau Ligitan and Pulau Sipadan (Indonesia/Malaysia)* case, as well as on the request for provisional measures by the Democratic Republic of the Congo in relation to the case concerning *Armed Activities on the Territory of the Congo (New Application: 2002) (Democratic Republic of the Congo v. Rwanda)*.

Given the active role which the Court can and does play in finding peaceful solutions to international disputes submitted to it, the recommendations that you address to Member States and to United Nations organs in your report are most welcome. In particular, it is to be hoped that their implementation will give further impetus to the work of the Court and enhance its role in dispute resolution and conflict prevention.

It is also very encouraging to see that your report reminds States of the availability of the Secretary-General's Trust Fund, pursuant to which financial assistance may be provided to States for expenses incurred in connection with proceedings instituted before the Court by special agreement. As you are aware, this is a subject of concern to the Court and every care should be taken to make the Fund more easily accessible for States facing financial restraints.

In conclusion, I would add that if, as a result of the fulfilment of the report's recommendations, the number of cases on the Court's docket were to increase, the General Assembly might likewise be encouraged to place sufficient resources at the Court's disposal to enable it to continue functioning in the most effective manner.

(*Signed*) Gilbert **Guillaume**
President of the Court

Annex II

Letter dated 11 July 2002 from the President of the Economic and Social Council addressed to the Secretary-General

I have the honour to refer to your letter of 15 May 2002 requesting the views of and the actions taken by the Economic and Social Council regarding the recommendations contained in your report on the prevention of armed conflict.

In this regard, I am pleased to inform you that the Council will give high priority to the consideration of the recommendations contained in your report at its next substantive session in July. The Council is expected to give particular attention to its role in addressing the link between peace and development in the context of its coordination segment in July 2002 on strengthening the Council to help it fulfil the role ascribed to it in the Charter of the United Nations and the United Nations Millennium Declaration. This will be the occasion for addressing the recommendations and approach contained in your report. In this context, the Council is likely to consider how it could contribute to enhancing policy and operational coordination of conflict prevention and peace-building efforts.

Furthermore, the Council is at present engaged in developing a flexible and pragmatic approach for establishing an ad hoc advisory group on African countries emerging from conflict, as recommended by the General Assembly. It is my hope that the Council will take a decision on this matter in the near future and move rapidly, upon the request of any interested country, to the first phase of implementation of its decision. The ad hoc advisory group, upon request of the country concerned, is intended to review existing arrangements to meet a country's humanitarian, reconstruction and development needs and make proposals to the Council on how to ensure adequate and coordinated assistance in order to prevent the recurrence of conflict and promote long-term development. A flexible, time-limited approach may be taken in setting up such an advisory group. The ad hoc advisory group will need, as a part of a coordinated response, to cooperate with the Ad Hoc Working Group of the Security Council on Conflict Prevention and Resolution in Africa.

In the meantime, a number of steps have been taken towards strengthening the Council's role in the prevention of armed conflict and in peace-building, particularly in addressing the root causes of conflicts in the areas that lie at the core of its mandate.

The need to enhance cooperation and coordination among the three principal United Nations organs is now widely recognized. It has been brought to the attention of the Council that the General Assembly has encouraged regular consultations between the President of the Assembly and the Presidents of the Security Council and the Economic and Social Council.[1] In response, the Economic and Social Council and the Security Council have started to have increased interaction with each other. Last year, the President of the Security Council was invited to speak to the Economic and Social Council on the question of HIV/AIDS. This year, I was invited to address the Security Council on the situation in Africa, on 29 January and

[1] General Assembly resolution 51/241, annex, para. 43, and 55/285, annex, para. 21.

22 May. The Council and its Bureau will give further consideration to the issue of enhancing collaboration with the General Assembly and the Security Council, notably in the context of its coordination segment this year.

Owing to the breadth of its mandate and the inclusiveness of its methods of work, the Economic and Social Council is well placed to mobilize international support for peace-building in a given country and to spur action by the United Nations international financial institutions, donors, regional organizations and other partners to help mobilize the needed attention and resources. The Council has responded to a country-specific situation in the past, when it decided to elaborate and implement a long-term strategy and programme of support for Haiti. The Council also made recommendations to the General Assembly on the United Nations presence in Haiti and the assistance provided by the Organization in such fields as human rights, consolidation of democracy and professionalization of the police. These recommendations facilitated the transition process following the end of the mandate of the United Nations peacekeeping mission, and led to the creation by the Assembly of the International Civilian Support Mission in Haiti (MICAH). Such an interaction between the General Assembly and the Council could possibly be replicated in other cases.

In addition to recommendation 4 of your report, which is directly addressed to the Economic and Social Council, recommendations 10 and 20, addressed to United Nations agencies, funds and programmes, also have a bearing on the Council's responsibilities to promote coherence and coordination within the United Nations system. In this regard, the Council could work with the Chief Executives Board for Coordination in promoting well-coordinated responses by the organizations of the system to the challenges of conflict prevention and peace-building.

Indeed, in recent years, the Council has, through its deliberations and decisions, contributed to conflict prevention and peace-building efforts, particularly in Africa.

In particular, in its 2001 Ministerial Declaration, the Council noted the importance of your proposal to create a subregional United Nations coordinating capability in West Africa to assist the United Nations system in developing integrated policies and strategies, ensuring harmonization of activities, and lending support to national and subregional integration. In 1999, the Council contributed to the discussion of and follow-up to your report on the causes of conflict in Africa, and in 1998 the Council noted the need to develop, through a strategic framework, a comprehensive approach to countries in crisis, in which key aspects of durable recovery, peace-building, all human rights, sustained economic growth and sustainable development should be included (agreed conclusions 1998/1).

With regard to the suggestions contained in your report for a more active involvement of the Economic and Social Council when the Security Council sets up regional initiatives for the prevention of armed conflicts, the Council should be in a better position to do so as it develops a more operational coordination capacity, for example, through the planned operation of the ad hoc advisory group on African countries emerging from conflict interacting with the Security Council's Ad Hoc Working Group on Africa. This will also provide a concrete basis for the Economic and Social Council to give further consideration to how it could contribute to a comprehensive and multidisciplinary discussion on the prevention of armed conflicts in a regional context.

During its substantive session in July 2002, the Economic and Social Council will consider your proposal for the high-level segment theme for substantive session 2003,[2] as contained in recommendation 4 of your report on conflict prevention.

With regard to recommendation 27 of your report, on non-governmental organizations and civil society, the Council has served as the principal interlocutor and an entry point for non-governmental organizations and an important forum for mobilizing civil society around key international development goals. The Council continues to find new ways of increasing the participation of non-governmental organizations in relevant aspects of its work, including organizing regional networks, forums of non-governmental organizations and direct dialogue with the representatives of non-governmental organizations and the private sector.

The Council's work on long-term development and poverty eradication, particularly in relation to increasing the flow of development assistance, also responds to recommendation 29 of your report. As you know, the Council has been assigned an important role in staying engaged in the implementation of the commitments made in the Monterrey Consensus of the International Conference on Financing for Development. To carry forward this important role, the Council will continue and build on a constructive partnership forged in the Monterrey process that brought together the United Nations, the Bretton Woods institutions and the World Trade Organization, as well as the private sector and civil society, to promote international cooperation to implement the commitments made at Monterrey on financing for development.

I can assure you that I will do everything possible to ensure that full attention continues to be paid to the recommendations and issues raised in your report, both at the Council's session and in the coming months. The Council will continue to enhance its role in promoting an integrated approach to peace and development in a practical manner and take action towards implementing the relevant recommendations in your report on the prevention of armed conflict and General Assembly resolution 55/281. As a central intergovernmental body for coordination in the United Nations system, the Council will continue to deal with the root causes of violence and engage constructively in peace-building, including poverty eradication, economic and social reconstruction and development, humanitarian assistance and the promotion of human rights.

(*Signed*) Ivan **Šimonović**

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[2] E/2002/49.

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Report of the Secretary-General*

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I. Introduction

1. In its resolution 49/124 of 19 December 1994 on the United Nations University (UNU), the General Assembly requested the Secretary-General to report on innovative measures to improve the communication and interaction between the University and other bodies in the United Nations system and to ensure the integration of the work of the University into all relevant activities of the system.

2. The present report should be read in conjunction with the report of the Council of the United Nations University on the work of the University in 2001,[1] which contains a comprehensive section on the interaction between the University and the United Nations system.

3. Enhanced relations with the United Nations, while preserving the autonomy of the University, is a key policy objective of UNU as set forth in its charter. Within this framework, the mission of the University is to contribute, through research and capacity-building, to the resolution of pressing problems that are of concern to the United Nations. It thus plays four basic roles: as an international community of scholars; as a bridge between the United Nations and the international community; as a think tank for the United Nations; and as an instrument for capacity development, especially in developing countries. These objectives have been further highlighted in the UNU strategic plan for 2000, which outlines a vision to make UNU a more effective research and capacity-development organization that makes relevant, timely and beneficial contributions to the United Nations. As set out in the strategic plan, the work of the University is characterized by its focus on topics that are the key concerns of the United Nations, namely, pressing problems of human security and development; intellectual objectivity and integrity; bringing together theory and practice in optimal ways to generate new insights and policy recommendations; and a truly global perspective, achieved through an international network of scholars.

II. Global United Nations conferences

4. The United Nations University has been closely involved in substantive work in support of major United Nations conferences. UNU has undertaken special policy studies that were made available to the preparatory bodies of United Nations conferences and/or to the conferences themselves. The University has also organized special events related to themes raised in United Nations conferences or has initiated work related to their follow-up.

5. A UNU senior research fellow participated in the first meeting of the International Forum for Social Development on 7 February 2002 in New York, a new initiative in follow-up to the World Summit for Social Development.

6. The UNU Press released a new edition of a book on trade, environment and the millennium,[2] which provided an overview of the key issues to be negotiated at the World Trade Organization's ministerial meeting in Qatar. In this new edition, the contributors revised their contributions to the first edition in the light of the failed negotiations in Seattle and other developments in the World Trade Organization (WTO) over the previous two years. They also focused on the special interests of developing countries in the Doha negotiations, as many WTO member Governments believe that a new round of multilateral trade negotiations is essential in order to

ensure a stable multilateral trading system that fully represents the interests of developing countries.

7. UNU had a double presence at the International Conference on Financing for Development, which was held from 18 to 22 March 2002 in Monterrey, Mexico. UNU organized a panel discussion on civil society and global finance: promises and challenges, based on a UNU and Warwick University project on the same topic. Speakers included project participants, such as the general manager of the Bank for International Settlements, the Coordinator of the Financing for Development Global Forum and project co-director Jan Aart Scholte, a renowned expert on globalization. The project volume[3] was also launched at the Conference. Bringing together 20 leading activists, officials and researchers from five continents, the volume shows how civil society can play an important and growing role in global finance. Also in regard to the Monterrey Conference, a two-year study by the UNU World Institute for Development Economics Research (UNU-WIDER) on capital flows to developing countries since the Asian crisis: how to manage their volatility, and its findings and recommendations were presented at a press conference in New York on 18 September. The study was conducted by leading economists Ricardo French Davis of the Economic Commission for Latin America and the Caribbean and Stephany Griffith Jones, Professor at the Institute of Development Studies, Sussex University. Their report concludes that the volatility and reversibility of capital flows into developing countries are major causes of recent large, frequent and developmentally costly crises, and outlines measures to encourage higher and more sustained capital flows to give greater dynamism to developing countries and protect against capital flow volatility.

8. The University has made a concerted effort to provide input throughout the entire preparatory process leading to the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002. Since its inception, the University has focused a substantial portion of its work on the pursuit of sustainable development. In this context, UNU submitted a special report to the Preparatory Committee for the Summit at its second session, which was held in New York from 28 January to 8 February. The report provided an outline of some of the University's key research findings and capacity-development work, with particular attention paid to the implementation of the provisions of Agenda 21.

9. On the occasion of the third session of the Preparatory Committee, held in New York from 25 March to 5 April, UNU issued the preliminary findings of a report identifying gaps and weaknesses within the current system of international environmental governance and assessing concrete proposals aimed at strengthening the existing system, including moves in the direction of full centralization in the form of a world environment organization or the pragmatic combination of clustering specific aspects of related multilateral agreements.

10. On 27 May 2002, UNU released a policy study on a new strategic framework for the sustainable development of China, India, and Indonesia to mark the fourth and final meeting of the Preparatory Committee, held in Bali, Indonesia, from 27 May to 7 June. The report presented an overview of trends and policies already established and new policy directions related to critical socio-economic and environmental issues identified in Agenda 21, focusing on those three countries. It covered both positive trends pointing towards greater sustainability and negative

trends or issues in which progress has proved more elusive. It also identified policy gaps and trade-offs. Coinciding with the World Summit on Sustainable Development, the University released a report entitled "International sustainable development governance — the question of reform: key issues and proposals", which examines how changes in international institutions can help to improve environmental quality and promote development. At the Summit, UNU organized a panel discussion on realizing the new social contract: science and technology education for sustainable development.

III. United Nations standing processes and the United Nations University

11. UNU provides continuous support for the efforts of the Second Committee of the General Assembly and the Economic and Social Council to enhance their interaction with experts and with knowledge-related institutions in order to enrich and deepen the substance of their policy deliberations. One recent example of the University's involvement was its extensive participation in the programme of work for the high-level segment of the Council devoted to the contribution of human resources development, including in the areas of health and education, to the process of development, which took place in New York from 1 to 3 July 2002. Drawing on its past and ongoing research, UNU thus made substantial contributions to the discussions dealing with the linkages between human resource development and trade, food security, information technology and education.

IV. United Nations University research programmes

12. Bearing in mind the themes mentioned in the UNU charter, the successive policy agendas and concerns of the United Nations system and its previous work programmes, the research, capacity-building and dissemination work of the University has been clustered into two main programme areas, namely, peace and governance and environment and sustainable development and their interlinkages. Specific activities and projects are selected on the basis of the following criteria: the relevance of the topics to United Nations objectives, the nature and scale of the human impact and the extent of the problems, the relevance of the issue to developing countries, whether the issue requires focused attention and relates to a critical gap in understanding, and the value that UNU could bring by focusing on the issue. The following examples drawn from recent activities are illustrative of the UNU démarche.

Peace and security

13. The University recently completed a project on power in transition, which was published in book form by the UNU Press.[4] Comparing historical cases of violent transition with instances of peaceful transition, the study focuses on a host of issues that may influence the ongoing reformation of the current international order: the material distribution of power and its effects on international stability; the convergence of ideas and the role of contested norms in affecting a mutually acceptable outcome; domestic political preferences and the constraints they impose on State behaviour; and differences in State strategy and their impact on transition.

14. Another major study published by the UNU Press, entitled "United Nations peacekeeping operations: ad hoc missions, permanent engagement",[5] identifies lessons that could be learned from past peacekeeping practices, as they have evolved over the past 10 years or so, for future operations. As a practical contribution to the ongoing debate on the nature, legality and practicability of peacekeeping, the work rests on contributors who were academic "observers" of peacekeeping and practitioners who have been intimately involved.

15. Since the end of the cold war, civil wars and State violence have escalated, resulting in millions of deaths. An interdisciplinary study of the root causes and prevention of humanitarian emergencies was published early this year.[6] The book reflects two years of in-depth research carried out by a wide array of scholars and practitioners brought together under the aegis of UNU-WIDER in the framework of a project on humanitarian emergencies. The book provides an analysis and an inventory of instruments for donors, international agencies and developing countries to prevent humanitarian emergencies. The emphasis is on long-term development policies rather than mediation or reconstruction after the conflict ensues. Policies include democratic and institutional reforms to enhance the capabilities of the State and civil society, the acceleration of economic growth through macroeconomic stabilization and adjustment, the reduction of inequalities, the redesign and expansion of aid, and the opening of Northern markets to developing countries.

16. On 27 and 28 May 2002, an international conference on the United Nations and South Asia was held at UNU headquarters in Tokyo. The conference placed particular emphasis on the relationship between India and Pakistan, the nuclearization of that conflict and the effects of the war in Afghanistan on South Asia with respect to security. Poverty alleviation, the role of foreign aid and international trade in South Asian development and the link between development and environmental degradation were central themes of the conference. Keynote addresses were delivered by the Indian Ambassador to Japan on behalf of I. K. Gujral, former Prime Minister of India, and by Sartaj Aziz, former Foreign Minister and Finance Minister of Pakistan.

17. On 18 March 2002, UNU held an expert forum on the theme of conflict prevention: the Secretary-General's report and the way forward. The meeting was chaired by Assistant Secretary-General Michael Doyle, Special Adviser to the Secretary-General, and Ramesh Thakur, Vice-Rector of UNU. Formal presentations were followed by discussion and comments from representatives of various United Nations agencies, departments and programmes that are involved in conflict prevention.

18. Through the participation of its Vice-Rector in the Group of Governmental Experts on disarmament and non-proliferation education, UNU has contributed to this important disarmament initiative. The expert group was established pursuant to General Assembly resolution 55/33 E of 20 November 2000 to investigate the state of disarmament and non-proliferation education globally, meeting with educators, representatives of civil society, United Nations agencies and interested organizations to develop ideas and strategies for its improvement. The study was submitted to the Assembly at its fifty-seventh session (A/57/124) with a call for Governments, non-governmental organizations, the United Nations and other international organizations to implement its recommendations. Professor Thakur also spoke before the First Committee of the General Assembly as part of a panel discussion

organized by the Department for Disarmament Affairs on 3 October 2002 on the impact of September 11 on the disarmament agenda in the twenty-first century.

Governance

19. A two-year study on governing globalization, conducted on behalf of UNU-WIDER, was completed and published in 2002.[7] The book was launched in New York on 21 October. It is among the first studies to examine in depth and comprehensively the governance needs of the world economy and polity. It evaluates the experience of institutions, with a focus on the United Nations, the International Monetary Fund (IMF), the World Bank and the International Trade Organization, to sketch the contours of reform and change that are needed in the existing system. It analyses issues of emerging significance, such as global macroeconomic management, transnational corporations, international capital movements and cross-border movements of people to suggest that there are some missing institutions that are needed.

20. The findings of a major UNU conference organized with the Institute of Human Rights of Utrecht University in the Netherlands are expected to be published by UNU Press in late 2002. The conference, held in Utrecht in October 2001, explored the changing political and human rights context that gave rise to the establishment of the International Tribunals for the Former Yugoslavia and Rwanda and the adoption of the Rome Statute establishing the International Criminal Court. From an interdisciplinary perspective, the conference examined the political, legal and institutional experiences of the Tribunals and the Rome Statute in a comparative and forward-looking way. Particular emphasis was placed on the actual and potential role of international humanitarian law in peace-building, conflict settlement and reconciliation and in promoting international norms of justice and accountability. Its objectives were to disseminate experiences in international criminal law to law students, legal practitioners and public servants and to raise awareness and understanding in support of international criminal law, promoting it as an integral element of international peace and security and strengthening support for international cooperation in the area of criminal law and the International Criminal Court.

Development

21. Empowerment of the poor is a core precondition for sustainable development and equitable environmental problem solving. In this regard, a useful resource for policy makers is the UNU-WIDER income inequality database (http://www.wider.unu.edu/wiid/wiid.htm), which tracks inequality over time and across countries, enabling national policy makers and their donor partners to give more attention to the linkages between inequality and poverty.

22. Leadership is critical for resolving conflicts, building peace, protecting the environment, reducing poverty and ensuring sustainability. Some of the most recent activities undertaken by the UNU Leadership Academy are a three-week intensive course on leadership for poverty reduction, held in September 2001, a leadership training course for African women entrepreneurs, held in Ghana, under the aegis of the UNU Institute for Natural Resources in Africa, in October 2001 and a three-week course on leadership for environment and human security held in Amman and Johannesburg in August 2002.

23. Building on recent debates, UNU-WIDER held a conference on the new economy in development on 10 and 11 May 2002, which sought to assess the impact of the production and/or use of information and communication technologies on economic growth, productivity, income distribution, wages, employment, the stock market and the location and production of work.

24. Over 100 experts gathered in Helsinki on 27 and 28 September to participate in a conference organized by UNU-WIDER devoted to poverty, international migration and asylum. The conference focused on two major themes: the economic consequences of migration and issues associated with asylum migration. One of the objectives was to expand the focus of present studies on the economic consequences of legal and illegal immigration. Another was to place the economic study of immigration in a global context and to enhance our understanding of those migratory movements.

25. The UNU International Institute for Software Technology in Macau, China, provides advanced training to young software engineers from developing countries. Training is offered in software research and development, curriculum development for postgraduate and postdoctoral courses in formal software development and the development of computer science department curricula. Recently, the Institute extended the scope of its advanced courses and training programmes by including new training courses on software project management and the co-design of hardware and software systems.

26. The UNU Programme for Biotechnology in Latin America and the Caribbean, located in Caracas, focuses on modern biotechnology-related health issues, bioethics, biosafety, bioinformatics and genomics. The overall objective of the programme is to promote the development of biotechnology in Latin America through research and academic exchange. Such academic exchanges are carried out through the provision of fellowships for research and advanced training in leading biotechnology laboratories within the region and also through the conduct of short training courses. The programme also assists in the establishment of links between biotech institutions in the developed world and similar institutions in Latin America.

Environment

27. UNU has been conducting research on issues related to mountains, and many of the findings have been instrumental in challenging conventional wisdom on such issues as the cause of environmental degradation, flooding and the role of mountain people in conserving their own environment. To mark the launching of the International Year of Mountains, 2002, UNU hosted a public forum on 31 January. The forum was followed on 1 February by an international symposium. UNU will also participate in the Bishkek Global Mountain Summit from 28 October to 1 November.

28. As a contribution to preparations for the International Year of Freshwater, 2003, UNU, in cooperation with other United Nations entities (the United Nations Environment Programme, the United Nations Human Settlements Programme and the United Nations Educational, Scientific and Cultural Organization) organized an international conference on Sustainable Management of Headwater Resources, which was held in Nairobi from 5 to 8 September. The conference discussed problems caused by land degradation, natural hazards and development processes, and considered feasible land management, environmental protection and landscape

regeneration practices and policies with the objective of contributing to the promotion, development and evaluation of land management strategies that advance the self-sustainable development of headwaters regions.

29. Since its inception in 1993, the United Nations University project entitled "People, Land Management and Environmental Change" (PLEC), a collaborative effort among more than 200 scientists in 40 institutions and many hundreds of innovative farmers from across the developing world, has drawn on positive experiences of agro-diversity and demonstrated that small farmers' knowledge and practice can contribute to curbing biodiversity loss and land degradation while enhancing rural livelihoods. In this final year of project implementation, with support from the Global Environment Facility and the United Nations Environment Programme, UNU organized a final general meeting of the PLEC project entitled "Working with farmers for the cultivation of biodiversity while improving livelihoods" in order to summarize, present and exchange the project findings and recommendations and plan a new phase of the project among the participating countries, including Brazil, China, Ghana, Jamaica, Kenya, Mexico, Papua New Guinea, Peru, Thailand, Uganda and the United Republic of Tanzania.

V. Coordination and interaction within the United Nations system

Coordination with the United Nations Secretariat

30. The University continues to give high priority to enhancing its connections with the United Nations. Informal substantive consultations and information sharing between the Rector and the senior academic staff of UNU and United Nations senior officials now take place routinely. The same pattern characterizes interactions at the working level. Extensive interactions also take place between UNU and the Strategic Planning Unit in the Executive Office of the Secretary-General. The Unit addresses substantive areas that are becoming major policy issues, coordinates reports that cut across major sectors and units and liaises with policy planning units in other international organizations. It also helps in the process of strategic coordination through the executive committee structure established in 1997 by the Secretary-General. In its design, the Strategic Planning Unit works closely with the University and its Council. The United Nations has thus been drawn into upstream policy work and the strategic planning of the United Nations. In this regard, it may be noted that the head of the Strategic Planning Unit attends the sessions of the UNU Council and maintains ongoing working relations with the UNU office in New York. Such close ties have been of great benefit to UNU, as they have facilitated the identification of areas of cooperation between the Secretariat and the University.

31. Another important institutional point for interface between the United Nations and UNU is the Geneva research and policy dialogue, jointly organized each year by the University and the United Nations Office at Geneva. The dialogue is thematically focused and brings together United Nations and other entities engaged in policy research and analysis.

32. These multilevel and ongoing contacts are especially useful to the University in defining the general directions of its long-term programme of research and capacity development and in its biennial programme planning. They have enabled

the University to focus more effectively on matters of immediate concern to the United Nations and to enhance the policy contents and relevance of its studies while maintaining their academic excellence. The University has thus been in a position to make targeted contributions to the United Nations. For instance, UNU was closely engaged in the United Nations study on disarmament and non-proliferation education prepared by a group of governmental experts appointed by the Secretary-General (see para. 18 above), which was submitted to the General Assembly at its current session. The report of the experts calls upon UNU to develop an intensive course on disarmament and non-proliferation and to organize a programme of training for educators and trainers.

33. UNU has continued to play a role in other major initiatives aimed at enhancing the performance of the United Nations. In this regard, UNU Vice-Rector Thakur served as senior adviser on reform and principal writer of the report of the Secretary-General entitled "Strengthening the United Nations: An agenda for further change" (A/57/387 and Corr.1), dated 9 September 2002. The report contains a wide-ranging package of pragmatic improvements affecting both substance and process, including a thorough review of the Organization's programme of work, detailed proposals for improving performance in the areas of human rights and public information, steps to improve coordination among United Nations entities at the country level and proposals aimed at improving the quality and performance of United Nations staff members, as well as strengthening the bases of the international civil service. The new effort builds on an earlier round of reform undertaken shortly after the Secretary-General took office in 1997. While much has been achieved in that effort, the United Nations faces the perpetual challenge of changing with the times, constantly adjusting to new conditions and new needs.

34. UNU partners in the United Nations system include the Department of Political Affairs, the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs, the Department of Economic and Social Affairs, the regional commissions, the United Nations Conference on Trade and Development, the United Nations Development Programme (UNDP), the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Fund for Women, the United Nations Interregional Crime and Justice Research Institute, the United Nations Research Institute for Social Development, the United Nations Institute for Disarmament Research, the United Nations Institute for Training and Research and several specialized agencies (the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the International Labour Organization, the World Health Organization), the World Bank, the International Monetary Fund and the Global Environment Facility. For instance, in the area of governance, the UNU has worked with various units of UNDP in the development and implementation of a world governance survey. Many officials of the United Nations and the Bretton Woods institutions participate in the research work of UNU-WIDER, as well as in conferences that it organizes. Close collaboration with the secretariat of the United Nations Commission on Science and Technology for Development has been established by the UNU Institute for New Technologies in support of the Commission's work on biotechnology. The UNU International Network on Water, Environment and Health is cooperating with the Department of Economic and Social Affairs in the development of an electronic distance learning programme on integrated water resource management.

35. Concurrently, the efforts initiated in the mid-1990s to disseminate the findings of the University's research work more broadly at United Nations Headquarters have been intensified.

Meetings of United Nations senior officials in the economic and social fields

36. Through the Rector, the United Nations University has input into the meetings of the United Nations System Chief Executives Board for Coordination. Those meetings enable UNU to stay informed of the changing policy concerns of the Organization that require independent and new thinking and to identify research topics for inclusion in the UNU programme that could serve to maximize the University's contributions to the work of the United Nations system.

Executive Committee on Economic and Social Affairs

37. The United Nations University has been fully involved in the activities of the Executive Committee on Economic and Social Affairs from the time of its inception. Besides regular participation in the Committee's deliberations, including the elaboration of consolidated proposals to the Secretary-General and the preparation of reports to be submitted to the central intergovernmental organs, UNU has developed and submitted specific inputs for a number of the Committee's projects.

Cooperation with the United Nations Educational, Scientific and Cultural Organization

38. Nobel Prize-winning playwright Wole Soyinka and former Secretary-General of the Organization of African Unity William Eteki were among the more than 45 African leaders, scientists and academics who met in Accra on 28 and 29 May 2001 for a conference entitled "Bridging the Knowledge Gap", which was organized jointly by UNU and the Independent Commission on Africa and the Challenges of the Third Millennium, with support from UNESCO and the Africa bureau of UNDP. The conference discussed ways and means to enable and challenge Africans to advance food security through basic research and by disseminating the grass-roots knowledge of indigenous farmers and forest dwellers; to add value to Africa's primary products through applied science and technology; to link scientific knowledge on natural resources to policy, problem solving and long-term planning processes; and to educate and train young scientists in cutting-edge science. Other areas of substantive cooperation with UNESCO including the establishment of a global network for innovation in higher education as part of the follow-up to the 1998 World Conference on Higher Education, as well as a series of UNU-UNESCO chairs and a new UNU-UNESCO staff exchange programme.

VI. United Nations University as a bridge between international stakeholders

39. In 2001, UNU and the delegation of the European Commission in Japan started a 10-year series of conferences on legal and political issues related to enhancing peace, human rights and development. The conference held in January 2002 was on "Governance across regions: national, regional and global". Speakers included Michel Barnier (European Union Commissioner for Regional Policy and Intergovernmental Conference), Gareth Evans (President of the International Crisis

Group and former Australian Foreign Minister), Keizo Takemi (Japanese member of Parliament), Richard Goldstone (Judge of the Constitutional Court of South Africa), Emma Bonino (European Parliament member) and Deepak Nayyar (Vice-Chancellor, University of Delhi). The conferences bring together European commissioners, members of parliament from Japan and Europe, non-governmental organizations and media representatives, United Nations officials and scholars. The conferences represent a high-profile forum for raising awareness, public debate and networking.

VII. Conclusion

40. The United Nations University has made continuing progress in enhancing its interaction with other bodies in the United Nations system and strengthening its contributions to the work of the United Nations. The University is focusing its work on the core concerns of the United Nations and establishing proper mechanisms to enable it to stay attuned of evolving priorities of the United Nations.

Notes

[1] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 31* (A/57/31).

[2] Gary P. Sampson and W. Bradnee Chambers, editors, *Trade, Environment and the Millennium* (2nd ed.), Tokyo, UNU Press, 2001.

[3] Jan Aart Scholte and Albrecht Schnabel, editors, *Civil Society* and *Global Finance*, London, Routledge, 2002.

[4] Charles Kupchan, et al., *Power in Transition*, Tokyo, UNU Press, 2001.

[5] Ramesh Thakur and Albrecht Schnabel, editors, *United Nations Peace-keeping Operations: Ad Hoc Missions, Permanent Engagement*, Tokyo, UNU Press, 2001.

[6] E. Wayne Nafziger and Raimo Väyrynen, editors, *The Prevention of Humanitarian Emergencies*, Basingstoke, England, Palgrave Macmillan, 2002.

[7] D. Nayyar, editor, *Governing Globalization: Issues and Institutions*, Oxford, England, Oxford University Press, 2002.

United Nations A/57/590

General Assembly

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Fifty-seventh session
Agenda items 22 (e) and 67 (c)

Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Economic Community of Central African States

Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly: regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa

Letter dated 25 October 2002 from the Permanent Representative of the Congo to the United Nations addressed to the Secretary-General

On behalf of the Economic Community of Central African States (ECCAS), I have the honour to transmit herewith the text of the communiqué issued following the joint meeting of ministers and heads of delegation of ECCAS and the United Nations Standing Advisory Committee on Security Questions in Central Africa, held on 23 October 2002 (see annex).

I should be grateful if you would have this text distributed as a document of the General Assembly under agenda items 22 (e) and 67 (c).

(*Signed*) Basile **Ikouebe**
Permanent Representative

02-67739 (E) 071102 071102

Annex to the letter dated 25 October 2002 from the Permanent Representative of the Congo to the United Nations addressed to the Secretary-General

Communiqué issued following the joint meeting of ministers and heads of delegation of the States members of the Economic Community of Central African States (ECCAS) and the United Nations Standing Advisory Committee on Security Questions in Central Africa

New York, 23 October 2002

1. The ministers and heads of delegation of Central Africa who were present in New York during the public meeting of the Security Council on the strengthening of cooperation between the United Nations system and Central Africa in the maintenance of peace and security, organized on the initiative and under the chairmanship of Cameroon, met on 23 October 2002 within the framework of the Economic Community of Central African States (ECCAS) and the United Nations Standing Advisory Committee on Security Questions in Central Africa.

2. The ministers and heads of delegation paid tribute to the Republic of Cameroon for its initiative and for its interest in matters concerning the maintenance of peace and security in Central Africa.

3. They carried out a thoroughgoing review of the geo-political and security situation in the subregion.

4. They welcomed the positive changes that had taken place in the subregion. In that context, they reaffirmed their commitment to finalizing the ongoing peace processes and making every effort to consolidate the peace.

5. The ministers welcomed the debates in the Security Council on Central Africa, which had allowed for an exchange of constructive views on the situation of the subregion with respect to peace, security and economic integration.

6. They noted with great interest the comments and recommendations made during the debate. They expressed special appreciation for the commitments offered by the members of the Security Council and the various multilateral and bilateral partners to help Central Africa strengthen its capacities for the maintenance of peace and security and for reconstruction.

7. On behalf of their Governments, they undertook to implement the conclusions of the debates, in particular by strengthening all existing mechanisms for preventive diplomacy and ensuring collective security.

8. They reaffirmed their faith in a united, collectively supportive, strong and prosperous Central Africa and their desire to make the subregion an essential link in African integration.

9. The ministers and heads of delegation agreed to carry out a review, at the nineteenth ministerial meeting of the Standing Advisory Committee, to be held in Bangui in 2003, of the implementation of the conclusions and recommendations resulting from the Security Council debate.

United Nations A/57/591

General Assembly

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Agenda item 85 (b)
Sectoral policy questions: business and development

Business and development

Report of the Secretary-General*

Summary

The present report is submitted in response to General Assembly resolution 56/185 of 21 December 2001, in which the Secretary-General was requested to submit at the fifty-seventh session a follow-up report on the continuing implementation of its resolution 54/204 of 22 December 1999. The report presents a brief overview of current thinking on the role of business in development; a summary of the views of the international community on the subject, as reflected in the outcomes of recent United Nations conferences; a synopsis of actions taken by Governments regarding the role of business in development; the response of business to these developments. Finally, it describes some specific United Nations activities pertaining to business and development.

* The report has been submitted late due to the need to coordinate inputs with the United Nations Secretariat.

02-67850 (E) 121102

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I. Introduction

1. The General Assembly, in paragraphs 5 and 6 of its resolution 54/204 of 22 December 1999 on business and development, identified a number of actions that can be taken by the international community, Governments, the private sector, the United Nations system and others to strengthen the contribution of business and industry, including small and medium-sized enterprises, to a country's economic and social development, environmental protection, economic growth, job creation, trade expansion and technology development and transfer. In particular, it called upon the private sector, including corporations engaged in international business activities, to pursue orderly and fair business practices, while adhering to and promoting the principles of honesty, transparency and accountability. In response to a request contained in the resolution, the Secretary-General submitted a report on its implementation to the Assembly at its fifty-sixth session (A/56/442). Welcoming that report, the General Assembly requested the Secretary-General to submit a follow-up report on the continuing implementation of resolution 54/204. The present report is submitted in response to that request and provides an overview of key pertinent developments during the year since the previous report.

II. The evolving business and development framework

2. There is now universal recognition that individual Governments have overall primary responsibility for managing their countries' efforts to achieve their national development goals. They therefore have to ensure that, for its part, the business sector, both domestic and international, contributes as far as possible to the attainment of those goals. As reflected in the concepts supporting resolution 54/204, the past decade has seen an increasing awareness that the contribution of the private sector to development could be increased in most countries, particularly in developing countries and most notably in countries with economies in transition, both by undertaking more efficiently and effectively some activities previously performed by the State and by increasing the extent of the private sector contribution in other areas. This realization has resulted in a general trend towards an expanded role for the business sector in most countries.

3. While the role of the business sector is tending to expand, it has become increasingly apparent that there is no universally applicable approach to determining the respective roles and responsibilities of the Government and business in the quest for accelerated development. There may exist some broad universal principles, but their application is likely to take different forms in different countries and sectors and at different stages of development within a country. The increased reliance on the private sector changes, rather than inevitably reduces, the role of the Government, with the result that this role has to be kept continuously under review.

4. One of the strengths of the private sector is its ability, within its overall profit-oriented structure, to adjust promptly and efficiently to changing conditions. Businesses are also adept at taking measures to mitigate identifiable risks, and financial innovation and technical progress are providing an increasing array of tools that enable them to do so. Such flexibility is particularly beneficial in an era when, partially as a result of globalization, the economic environment can change very rapidly. However, the full benefits of this flexibility are unlikely to be realized — or may be very costly to realize — in an environment of underlying uncertainty.

Under such circumstances, businesses are more likely to focus on maximizing their own short-term economic gains, seeing less benefit to be derived from contributing to the country's longer-term economic, social and environmental development objectives. Armed conflict is an extreme case of such uncertainty, but other instabilities can similarly distract businesses from the longer-term focus that is necessary to achieve most development objectives. Regardless of the specific development goals and policies pursued, one of the key functions of individual Governments vis-à-vis the business sector should therefore be to provide clarity and stability about the expected role of business within the country's development strategy over the medium term and to provide a regulatory framework so as to promote national economic, social and environmental objectives. In this context, the need for appropriate national strategies, policies and regulatory frameworks cannot be overemphasized. Sound macroeconomic policies that allow avoiding inflationary distortions and abrupt economic fluctuations are called for. At the same time, there is demand for promotion of economic systems that are based on the principles of justice, equity, democracy, participation, transparency, accountability and inclusion.[1]

5. In most countries, the initial focus of the recent worldwide effort to increase the contribution of the business sector to development took the form of the privatization of State-owned enterprises. Particularly within some individual countries, there is considerable scope for further privatization but this process has its inherent limits. Increasingly, therefore, Governments are turning their attention to ensuring that the contribution of the business sector to sustainable economic and social development is maximized and that any negative consequences are minimized. This primarily involves developing a body of laws, regulations and similar arrangements and building institutional structures of various kinds. Both are not only inherently long-term processes but are also a continuous and unending responsibility, since both regulations and institutions have to adjust to changing circumstances. Moreover, it is not only the existence of laws, regulations and institutions that is important but, above all, their effectiveness and enforcement. Particularly in the case of laws and regulations, this means that, in addition to their adoption, ensuring adherence to them is critical. During 2001 and 2002, this has been vividly demonstrated by the fact that, even in the world's largest economy, there have been some striking instances in which the business sector has failed to conform with existing regulatory standards and other instances where existing regulations have proven to be inadequate. Both situations have had consequences extending far beyond the individual companies concerned. Particularly for developing countries and countries with economies in transition, building government capacity to ensure that the contribution of the business sector to sustainable economic and social development is maximized should now be a priority.

6. The recent quest to increase the involvement of the business sector in a country's development effort has demonstrated that inadequate physical infrastructure and human capabilities are often major impediments. Business itself can contribute to meeting some needs in these areas (for example, by building power facilities or providing technical education). Nevertheless, Governments are likely to continue to have to meet a large proportion of a country's requirements for roads, railways, information and telecommunication technology and other physical infrastructure, as well as basic education and health services. In addition to a sound policy and regulatory environment, the business sector requires adequate physical infrastructure and human resources in order to be effective, or even to become

engaged. As has been stressed again in documents adopted at the World Summit on Sustainable Development, held in Johannesburg, social infrastructure, social services and social protection, including education, health, nutrition, shelter and social security programmes, as well as active labour market policies, including worker training, continue to be viewed as part of an important enabling role of Governments.[2]

7. While there is an understanding that Governments are responsible for a transparent and stable regulatory environment that would assure corporate accountability, there is a clearly expressed demand for good corporate citizenship; for private sector corporations to voluntarily enforce corporate accountability, to engage in the development process as reliable and consistent partners. It is felt that both large and small companies in the private sector have the duty to contribute to the evolution of equitable and sustainable communities and societies. Business should "take into account not only the economic and financial, but also the developmental, social, gender and environmental implications of their undertakings".[3]

8. The roles of business and Governments in development are now usually seen as being complementary rather than conflicting, one result of which is that attention is increasingly being given to the possibilities for various forms of partnership between the public and private sectors. The concept of public-private partnerships is now widely advocated and is increasingly being applied in practice. Such partnerships are evident in a wide range of activities, but are seen to offer particular potential in addressing some of the physical and human infrastructure requirements that need to be met if the full potential of the business sector is to be realized. They have been widely used in, for example, the power, telecommunications and water sectors but have also been applied in the effort to develop human capital, such as education and agricultural research.

9. In addition, national government and business efforts need to be supported by an enabling international economic environment.[4] Good global economic governance needs to broaden the base for decision-making on issues of development concern and fill organizational gaps in its structure. This includes transparency in the financial, monetary and trading systems, as well as their coherence, governance and consistency. Improved market access, debt relief, increased development assistance flows, increased, non-volatile private capital flows, especially in the form of foreign direct investment, and access to and transfer of knowledge and technology (especially information and communication technology) are among measures with positive impact on the enabling international economic environment that benefits both business and development. International trade continues to constitute an engine of development. A universal, rule-based, open, non-discriminatory and equitable multilateral trading system, as well as meaningful trade liberalization, can substantially stimulate development worldwide, benefiting countries at all stages of development. In this context, also important to resolve are "issues of particular concern to developing countries and countries with economies in transition."[5]

III. Views of the international community

10. The evolving thinking about the role of business in development and the implications for the responsibilities of Governments has been reflected in the gradual development of a corresponding intergovernmental consensus. Prior to the

adoption of General Assembly resolution 54/204, the global conferences of the 1990s considered ways in which the business sector could contribute to the realization of their respective sectoral objectives. The broad objective for the business dimension of these conferences was to find and strengthen shared values and principles between development objectives, as defined by the international community in the United Nations, and business. Subsequently, the United Nations Millennium Declaration captured the general principle behind these specific undertakings when Governments resolved to develop strong partnerships with the private sector in pursuit of development and poverty eradication (see General Assembly resolution 55/2 of 18 September 2000, para. 20). Over the past year, the international community has further refined its consensus on the role of the private sector in development and on the conditions and measures necessary to ensure that business is able to make the greatest possible contribution to development.

11. During this period, two key events on the international agenda were the International Conference on Financing for Development and the World Summit on Sustainable Development. To a far greater extent than on prior occasions, the contribution that business could make to development was seen as an integral part of these conference processes. The business sector not only played an important role in both events, but also made a number of commitments to contribute directly to the implementation of their agreed outcomes.

12. The Monterrey Consensus of the International Conference on Financing for Development embodies the most recent and comprehensive intergovernmental articulation of the role of Governments and national strategies, policies and regulatory frameworks in providing an enabling environment for development, including for the business sector. The Consensus recognizes that the appropriate role of government in market-oriented economies will vary from country to country[6] and calls for an enabling domestic environment that is vital for mobilizing domestic resources, increasing productivity, reducing capital flight, encouraging the private sector, and attracting and making effective use of international investment and assistance.[7]

13. The Plan of Implementation of the World Summit on Sustainable Development is more specific in its proposals for business involvement in development. Dialogue between enterprises and the communities in which they operate is called for. Industry is encouraged to improve social and environmental performance through voluntary initiatives, including environmental management systems, codes of conduct, certification and public reporting on environmental and social issues. The Plan also advocates the promotion of corporate responsibility and accountability based on the Rio Principles, including through the full development and effective implementation of intergovernmental agreements and measures, international initiatives and public-private partnerships, appropriate national regulations, and support to the continuous improvement of corporate practices in all countries. Banks and other financial institutions are invited to foster innovative development financing approaches, including incorporation of sustainable development considerations into their decision-making. It advocates interaction, collaboration, partnerships and networks among universities, research institutions, government agencies and the private sector for technology transfer, development and diffusion in order to enhance industrial efficiency, agricultural productivity, environmental management and competitiveness. Work-based partnerships and programmes for training and education are also called for. Finally, as a specific initiative, the

pharmaceutical industry is invited to make essential drugs more widely available and affordable by all who need them in developing countries.

IV. Actions taken by Governments

14. Governments have continued to take actions at the national level to operationalize the evolving thinking and the international consensus on the role of business in development. A key development in this respect in the past year was the adoption of the New Partnership for Africa's Development (NEPAD) (see A/57/304, annex). One of the important characteristics of NEPAD is that, in its own words, it "is envisaged as a long-term vision of an African-owned and African-led development programme".

15. It is particularly noteworthy that three specific objectives established by African leaders in NEPAD are to ensure a sound and conducive environment for private sector activities, to promote foreign direct investment and trade and to develop micro, small and medium enterprises (ibid., para. 166). At the same time, NEPAD recognizes that many African countries lack the necessary policy and regulatory frameworks for private sector-led growth. They also lack the capacity to implement programmes even when funding is available (ibid., para. 86). To achieve its objectives for private sector development, NEPAD calls upon African countries themselves to undertake measures to enhance the entrepreneurial, managerial and technical capacities of the private sector, strengthen chambers of commerce and professional associations, organize dialogue between the Government and the private sector to develop a shared vision of development strategy and to remove constraints to private sector development, encourage the growth of small and medium-scale industries, improve access to capital by strengthening microfinancing schemes (ibid., para. 167) and to launch an Economic and Corporate Governance Initiative (ibid., paras. 86-92).

16. Beyond this regional commitment regarding the development of the private sector, individual Governments around the world have continued to adopt legislation, policies and measures intended to enhance the contribution of business to development. Comprehensive data on the number and nature of such new actions are not available, but the general trend is clear. Whereas, in the past, there were frequently actions to constrain the power of business and sometimes to transfer responsibilities to the State, such actions are now rare. To the contrary, most current efforts are focused on creating a transparent, stable and predictable pro-business investment climate and on establishing an investment policy that treats domestic, as well as foreign, investors fairly. This involves ensuring the rule of law (especially with respect to contracts), respect for property rights and anti-corruption measures. It also calls for a strong domestic financial sector that provides an effective, efficient, transparent and accountable system for mobilizing resources, including for small and medium-sized enterprises. An essential part of this picture is a system for mobilizing public resources and their efficient use by Governments.

17. Governments in developing countries and countries with economies in transition are also addressing the constraints to business created by inadequate infrastructure. In this area, however, they often face resource constraints. It is therefore encouraging that this difficulty is also recognized by many in the donor community and that resources are being provided to this end. Nevertheless, there

appears to be a danger of a lack of funding for physical infrastructure in some countries. This situation arises in part because, with the aim of achieving the Millennium development goals, donors (including multilateral institutions that used to be major sources of funding for such projects) prefer to use their resources to tackle social needs. This tendency is reinforced in some cases by the view that many infrastructure needs can and should now be met by the private sector. However, in many developing countries and countries with economies in transition, particularly the poorest, business is unlikely to be willing or able to make the long-term commitment usually required for such investments. At the same time, tight budget constraints and poorly developed domestic capital markets may mean that national Governments are also unable to finance large infrastructure projects. Lack of supportive physical infrastructure may therefore remain an impediment to private sector development in some countries for some time to come.

V. Responses by the business sector

18. One of the overriding influences on both business and development over recent years has been globalization. Broadly speaking, the economic globalization of the past two decades has been the result of the interaction of technical change, actions by Governments and responses by individual economic agents, among which businesses have been the most important.

19. Reflecting their central role in globalization, businesses are increasingly recognizing the contribution they need to make to ensure that globalization becomes a positive force for all the world's people. There is now widespread recognition within the business community that achieving this objective is not only a global priority, but is also in the long-term interest of the business sector itself.[8] This broad understanding underpins the growing number of voluntary initiatives by the business community, ranging from statements of principle, codes of conduct and certification and public reporting on environmental and social issues to specific projects and activities. A reflection of this changing attitude can be found in paragraph 4 of the Declaration on the Agreement on Trade-Related Intellectual Property Rights and public health adopted by the Fourth Ministerial Conference of the World Trade Organization, held in Doha from 9 to 14 November 2001. It affirmed that the agreement should be implemented in a manner supportive of the World Trade Organization members' right to protect public health and, in particular, to promote access to medicines for all.

20. Reflecting this commitment and willingness to contribute to development, the business sector participated very widely and actively in both the International Conference on Financing for Development and the World Summit on Sustainable Development. By facilitating and encouraging an unprecedented degree of business participation in these intergovernmental dialogues, including the extensive preparatory processes, Governments underscored their recognition of the central role of business in development. By responding positively to the opportunity to participate, the business community demonstrated both its recognition of its role in, and its willingness to contribute to, development. In both instances, albeit in somewhat different forms, the business community contributed in a positive and cooperative, rather than in a defensive and purely self-interested, fashion. Since these two conferences, the business sector has continued its involvement by participating in the implementation of the outcome of the two events.

21. The relationship between Government and business in pursuing national development is increasingly seen as a partnership, rather than as an adversarial relationship. This general notion is being translated into practical application in the form of an increasing number of concrete and specific partnerships to achieve certain goals or undertake specific activities. Although an ongoing and expanding process, the development of public-private partnerships for development accelerated in the preparation for and during the World Summit on Sustainable Development and was an integral part of the Summit.

VI. Some specific United Nations activities pertaining to business and development

22. In resolution 54/204, the General Assembly calls upon the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization, United Nations funds and programmes and other relevant bodies of the United Nations system to provide a forum for discussion of all matters related to business and development; to strengthen activities aimed at promotion of entrepreneurship, especially with respect to small and medium-sized enterprises; to assist the Member States in the implementation of relevant programmes and in building their capacity to implement them. The Assembly invites them also to promote meaningful contributions of business, in both the public and private sectors, in support of economic growth and sustainable development. The Millennium Declaration, the Monterrey Consensus and the Johannesburg Declaration stress the need for strengthening the United Nations leadership role in promoting international cooperation for development. Its initiative to promote global partnership is welcomed.[9] It is also being stressed that opportunities should be given to the private sector to contribute to the realization of the United Nations goals and programmes.[10]

23. While it is not possible or needed in the context of the present report to provide a full account of the United Nations actions pertaining to business and development, examples of specific activities follow:

(a) The Commission on Investment, Technology and Related Financial Issues, the Commission on Science and Technology for Development and the Commission on Enterprise and Business Facilitation and Development (all serviced by the secretariat of UNCTAD) continue to provide a regular forum for discussing, inter alia, aspects of the business and development framework;

(b) Many parts of the United Nations system are actively involved in technical cooperation activities aimed at raising the capacity of the developing countries and countries with economies in transition. The Advisory Service on Investment and Training (UNCTAD) is helping to build the capacity to formulate investment policies, to put in place an enabling legal and regulatory framework and to establish and maintain an effective institutional support structure with the ability to promote and facilitate foreign investment. A capacity-building programme (UNCTAD and the World Trade Organization) aims at assisting developing countries in their negotiations of international investment agreements at the bilateral, regional and multilateral levels. A similar programme (the Department of Economic and Social Affairs of the Secretariat) helps interested developing countries negotiate double taxation treaties. The International Investment Initiative for Least Developed Countries (UNCTAD, in cooperation with the Global Compact)

aims at enhancing the productive capacity of the businesses in these countries. The UNCTAD integrated capacity-building assistance programme on enterprise development (EMPRETEC) provides training and business services to small and medium-sized enterprises. UNIDO focuses its many advisory services (policy development, local business systems, rural and women entrepreneurship development) on small and medium-sized enterprises. An initiative by the World Trade Organization and the World Intellectual Property Organization provides technical cooperation to help least developed countries to maximize the benefits of intellectual property protection (preparing legislation, training, institution-building, modernizing intellectual property systems and enforcement);

(c) Finally, there is a visible growth of the number and quality of initiatives undertaken by business alone or in cooperation with the United Nations in the context of the global partnership initiative. A comprehensive account was presented in the report of the Secretary-General (A/56/323), in a book based on that report, entitled "Building Partnerships: Cooperation Between the United Nations System and the Private Sector", issued in June 2002, and in the report entitled "The Global Compact: report on progress and activities", issued by the Global Compact Office in July 2002. It is noteworthy that many of these initiatives do not shy away from difficult issues related to labour and human rights protection. In addition, as mentioned above, the World Summit on Sustainable Development brought an additional wealth of initiatives. The World Summit on Sustainable Development Partnerships for Sustainable Development promise to complement the intergovernmentally agreed Plan of Implementation of the World Summit on Social Development and to help translate the political commitments into action, also by the business community.

VII. Recommendations

24. **It is recommended that the General Assembly continue to consider issues related to business and development with the goal of deepening understanding of the evolving business and development framework.**

25. **It is recommended that further consideration of this subject by the General Assembly focus on substantive issues related to the business and development framework. Member States may wish to indicate which aspects of the business and development framework they wish to cover in future.**

Notes

[1] See *Report of the International Conference on Financing for Development*, Monterrey, Mexico, 18-22 March 2002 (United Nations publication, Sales No. E.02.11.A.7), chap. I, resolution 1, annex (Monterrey Consensus), paras. 10 and 14; Road map towards the implementation of the United Nations Millennium Declaration (A/56/326), para. 134.

[2] See Johannesburg Declaration on Sustainable Development (A/CONF.199/20), chap. I, resolution 1, annex, para. 16.

[3] Johannesburg Declaration, paras. 27 and 29; and Monterrey Consensus, para. 23.

[4] Monterrey Consensus, paras. 15, 16, 25, 26, 32, 33, 42, 47, 49, 52, 53, 57, 61, 62 and 63.

[5] Ibid., para. 28.

[6] Ibid., para. 12.

[7] Ibid., para. 10.

[8] In the words of Carly Fiorina, member of the Secretary-General's Task Force on Information and Communications Technologies "... now more than ever, we have a responsibility to redefine the role of the corporation on a world stage — and to leverage our ability to impact individuals, companies, communities, nations for the better. We must remake our businesses to be far more active corporate citizens — creators not only of shareholder value, but also of social value, in ways that are systemic and sustainable" (26 September 2001).

[9] Monterrey Consensus, para. 23.

[10] Millennium Declaration, para. 30; Road map, paras. 301-303.

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Agenda items 36 and 160

The situation in the Middle East

Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 5 November 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I am writing to draw your attention to the latest incident of Palestinian terrorism directed against the citizens of Israel.

At approximately 6 p.m. (local time) yesterday evening, a Palestinian suicide bomber approached a crowded shopping centre in the Israeli city of Kfar Sava. An alert security guard spotted the terrorist and moved to intercept him, at which time the terrorist detonated a large quantity of explosives packed with metal objects in order to maximize the pain and suffering of the victims. The blast killed the security guard along with one other Israeli, a 15-year-old boy. Nearly 70 others were wounded in the bombing, including a number of children. The terrorist was identified as a resident of the Balata refugee camp. The terrorist organization Islamic Jihad, based in Syria, claimed responsibility for the attack.

Israel holds the Palestinian Authority fully responsible for yesterday's attack, and for all terrorist attacks emanating from Palestinian territory. The Palestinian leadership has manifestly failed to live up to its obligations to end suicide bombings, which are crimes against humanity, along with all other acts of terrorism, as required under signed commitments reached with Israel and the resolutions of the Security Council, in particular resolution 1373 (2001). Nor has the Palestinian Authority taken any steps to implement resolution 1435 (2002), which demands an end to all acts of violence, terrorism and incitement, and calls for those responsible for terrorist acts to be brought to justice. Nor has the Palestinian leadership taken any steps to cease its financial, logistical and moral support for acts of terrorism and the direct involvement of those under the authority of Chairman Arafat in their perpetration.

Israel further holds the Government of Syria responsible for yesterday's bombing in the light of its ongoing support for terrorist organizations, including providing them with safe harbour, as well as financial, logistical and political support, in defiance of Security Council resolutions, including resolution 1373

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(2001). Based in the Syrian capital of Damascus, Islamic Jihad is an organization committed to the destruction of the State of Israel, that has claimed responsibility for scores of terrorist attack against Israelis, including suicide bombings, and that receives logistical support and assistance from the Syrian Government. Rather than condemning suicide bombings, these crimes are praised by the Syrian regime, and their perpetrators celebrated and glorified.

In the absence of any Palestinian action that might prevent acts of terrorism, Israel is compelled to take measures to protect its citizens from the unrelenting threat of Palestinian terrorism. It is vitally important that both the terrorists, as well as their supporters, be held fully accountable for these grave crimes.

Israel calls on the international community to condemn in the strongest terms suicide bombings and other criminal acts of terrorism, as well as the ongoing support and involvement of the current Palestinian leadership in such acts. Only an end to the heinous campaign of Palestinian terrorism, with its terrible cost in Israeli and Palestinian lives, can restore hope of achieving a lasting settlement between Israelis and Palestinians.

I submit this letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism that began in September 2000.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the fifty-seventh session of the General Assembly, under agenda items 160 and 36, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations A/57/593

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Fifty-seventh session
Agenda items 124 and 125

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financial performance reports of the International Tribunals for the Former Yugoslavia and Rwanda for the period from 1 January to 31 December 2001

First performance reports of the International Tribunals for the Former Yugoslavia and Rwanda for the period from 1 January 2002 to 31 December 2003

Revised estimates arising in respect of Security Council resolution 1431 (2002): ad litem judges

Conditions of service for the ad litem judges for the International Tribunal for Rwanda

Long-term financial obligations of the United Nations with regard to the enforcement of sentences

Comprehensive report on the results of the implementation of the recommendations of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

02-68471 (E) 121102

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on the financial performance reports of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (A/57/367) and of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 (A/57/368), the first performance reports for the period from 1 January 2002 to 31 December 2003 of the International Tribunal for the Former Yugoslavia (A/57/480) and the International Tribunal for Rwanda (A/57/481 and Corr.1), revised estimates arising in respect of Security Council resolution 1431 (2002): ad litem judges (A/57/482), conditions of service for the ad litem judges of the International Tribunal for Rwanda (A/57/587), long-term financial obligations of the United Nations with regard to the enforcement of sentences (A/57/347) and the comprehensive report on the results of the implementation of the recommendations of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/56/853). During its consideration of the reports, the Advisory Committee met with the Registrars and the Acting Deputy Prosecutor, as well as with other representatives of the Tribunals and of the Secretary-General, who provided additional information.

I. International Tribunal for Rwanda

A. Financial performance report for Rwanda for the period from 1 January to 31 December 2001, first performance report for the period from 1 January 2002 to 31 December 2003 and revised estimates arising in respect of Security Council resolution 1431 (2002): ad litem judges

2. The Advisory Committee welcomes the improvements made in the presentation of the reports in line with the Committee's recommendations in paragraph 3 of its report of 29 November 2001 (A/56/666).

3. By its resolution 55/226 of 23 December 2000, the General Assembly appropriated an amount of $93,974,800 gross ($85,607,600 net) for the International Tribunal for Rwanda for the period from 1 January to 31 December 2000. As indicated in table 1 of the financial performance report for 2001 (A/57/368), recorded expenditures for the period amounted to $96,639,300 gross ($87,487,600 net), resulting in a deficit of $2,664,500 gross ($1,880,000 net).

4. The Advisory Committee notes that an overexpenditure of $6,555,500, or 85 per cent, was incurred under contractual services. This is the largest overexpenditure, and, as indicated in paragraph 29 of the financial performance report for 2001 (A/57/368), it is mainly attributable to additional requirements for

defence counsel fees, which total $5,967,300. Of that total, $1,685,700 relate to services rendered in 2000, but submitted and settled late in 2001, and $4,281,600 to higher-than-projected costs for defence teams in 2001.

5. The first performance report for the period from 1 January 2002 to 31 December 2003 shows projected increased requirements of $2,177,700 over the initial appropriation of $197,127,300 (see A/57/481, schedule 2). The Advisory Committee notes from paragraph 16 of the report that increases in expenditure for defence counsel for 2000 and 2001 amounted to $3,539,500 and $5,967,300, respectively (see para. 4 above). For the period from 1 January 2002 to 31 December 2003, appropriations for defence counsel total $17,118,100, representing an increase of $5,128,500. Based on current expenditure patterns, a further increase of $3,700,000 over the appropriation is projected.

6. Upon request, the Advisory Committee was provided with the following information regarding appropriations and expenditures for defence counsel:

Year	*Appropriation*	*Expenditure as at 30 Sept. 2002*	*Projections to December 2002*	*Variance*	*Percentage increase over appropriation*
2000	5 624 000	9 163 500		3 539 500	67
2001	6 065 600	12 032 900		5 967 300	98
2002	7 839 500	5 953 800	5 587 200	3 701 500	47

The Committee is very concerned by the fact that defence counsel costs continue to escalate. The Committee acknowledges that it may not be possible to avoid increased costs because of the inevitable expansion of legal and judicial activities that were not foreseen at the time the budget was prepared. However, such circumstances are not always clearly identified in the performance and budget reports. For example, the Committee had been informed that overexpenditure for defence counsel in 2000 was due largely to poor monitoring and claims processing (see A/56/666, para. 7). Accordingly, the Committee had recommended that the Board of Auditors carry out a special evaluation of the effectiveness of the means available, including staff and non-staff assets, to manage, monitor and control the expenses of the Tribunal's legal aid system (ibid., para. 44).

7. In its report of 30 September 2002 (see A/57/439, paras. 21-24), the Advisory Committee commended the Board's findings and recommendations on the legal aid system of the Tribunal (see A/57/5/Add.11, chap. II, paras. 41-74). The Committee also commends the Registrar for administrative measures he has taken on this issue and the judges of the Tribunal for steps they have taken, including exercising greater control over judicial proceedings, the introduction of pre-trial proceedings and the imposition of sanctions for unwarranted judicial and administrative conduct. **However, the Committee remains concerned that it has thus far received no convincing information, neither from the Board of Auditors nor from the Tribunal itself, that the Tribunal has within it an effective capacity of "staff and non-staff assets to manage, monitor and control the expenses of the Tribunal's legal aid system" (see para. 6 above). In the opinion of the Committee, unless this matter is properly addressed, including the question of the methodology for determining indigency (see A/57/439, para. 22), expenses**

for defence counsel could continue to escalate for reasons other than those related to unavoidable expansion of the activities of the Tribunal.

8. The Advisory Committee enquired as to the status of work of the panel, referred to in paragraph 29 of the financial performance report for 2001 (A/57/368), which has been established to review the defence counsel regime in place and to make recommendations for improvements to the arrangements. It was informed that the Tribunal had requested consultant services from a group of Member States and that by January 2003 the Tribunal would be in a position to consider further measures for implementation as the result of the recommendations of the panel. The Committee was informed that these services would be financed from within the available budget resources of the Tribunal. **The Committee welcomes this response to its recommendation contained in paragraph 23 of its report on the reports of the Board of Auditors (A/57/439) and requests that information be provided in the next budget submission to address the observations of the Committee set out in paragraph 7 above. The Committee requests that the cost and manner of financing of the above-mentioned services be reported in the context of the next budget estimates of the Tribunal.**

9. The Advisory Committee notes with concern the information provided in paragraph 19 of the financial performance report for 2001 (A/57/368) that the actual overall vacancy rate at the end of the year was 26 per cent. However, upon enquiry, the Committee was informed that, as at the date of the hearings, the vacancy rate was 19 per cent and that a rate of 15 per cent was projected by the end of the year. The Committee was also informed that the Tribunal had received a considerable number of applications for advertised positions. In this connection, the Committee recalls its recommendation for flexibility in recruitment, as stated in paragraph 29 of its report dated 29 November 2001 (A/56/666).

10. In paragraphs 28 and 29 of the same report, the Advisory Committee expressed concern about the protracted period of vacancy for two posts in the Office of the Prosecutor, namely, the Deputy Prosecutor and the Chief of Prosecution, and the impact that situation had on the effectiveness of the prosecutorial and investigative activities of the Tribunal. Upon enquiry, the Committee was informed that the posts still had not been filled, but that they would be filled by January 2003. Similar information has been given to the Committee in the past concerning the imminent filling of these posts. Upon enquiry, the Committee was informed that, when the posts were last advertised, a total of 36 applications were received from candidates from 22 countries for the post of Deputy Prosecutor and 16 applications were received from candidates from 13 countries for the post of Chief of Prosecution as at 10 October 2002. Of these, nine applicants for the post of Deputy Prosecutor and four for the post of Chief of Prosecution had been shortlisted, but no selection had been made.

11. **By the end of 2002, the post of Chief of Prosecution will have been vacant for more than two years and that of Deputy Prosecutor for approximately 19 months. The Advisory Committee is not persuaded by the reasons given by the representatives of the Secretary-General to explain this situation, nor is it convinced that a lack of qualified candidates to perform the functions as advertised is the main reason for the prolonged vacancies. Indeed, during the course of its meetings with representatives of the Secretary-General, the**

Committee was informed that there was an abundance of qualified candidates in the region and elsewhere.

12. **The Advisory Committee is concerned that this situation may already have adversely affected the capacity of the Office of the Prosecutor in Arusha and in Kigali to develop, in a timely manner, the coherent coordinated investigation and prosecution policy that is so essential for the implementation of the completion strategy of the Tribunal. Taking into account the fact that the main Office of the Prosecutor is in The Hague, the absence of a Deputy Prosecutor and Chief of Prosecution for such a protracted period may also have adversely affected the day-to-day leadership, supervision and guidance of the offices in Arusha and Kigali.**

13. The Advisory Committee recalls that, in accordance with article 15, paragraph 3, of the statute of the Tribunal, staff of the Office of the Prosecutor are to be appointed by the Secretary-General on the recommendation of the Prosecutor. Upon enquiry, the Committee was informed that a management review of the Office of the Prosecutor had never been carried out. **With a view to learning from the experience, the Committee recommends that the Office of Internal Oversight Services conduct a management review of the Office of the Prosecutor, paying particular attention to the problems which have arisen in filling these two critical posts.**

14. The Advisory Committee enquired about the recruitment status of the posts approved by the General Assembly in its resolution 56/248 of 24 December 2001, on the recommendation of the Committee (see A/56/717), for audit and investigation services in the two Tribunals. The Committee was informed that the posts had not yet been filled, but that the interview process was under way and that it was expected that the recruitment process would be completed as of the beginning of 2003.

15. As indicated in paragraph 19 of the first performance report for the biennium 2002-2003 (A/57/481), additional resource requirements for 2003 in connection with the appointment of a maximum of four ad litem judges in the Tribunal are estimated at $5,060,100 gross ($4,605,400 net), inclusive of 46 new support staff, supplies, equipment and services. This estimate derives from the report of the Secretary-General on revised estimates arising in respect of Security Council resolution 1431 (2002) on the establishment of ad litem judges in the International Tribunal for Rwanda (A/57/482), which, in turn, have been calculated on the assumption that the General Assembly would approve the application of the conditions of service of the ad litem judges of the International Tribunal for the Former Yugoslavia to the ad litem judges of the International Tribunal for Rwanda (the Committee's comments on the conditions of service of the ad litem judges of the International Tribunal for Rwanda are contained in para. 23 below). The Advisory Committee recalls that the original request by the Tribunal for ad litem judges was for a maximum of nine (see A/56/265-S/2001/764, appendix), rather than the four approved by the Security Council. The Committee further recalls the statement in paragraph 12 of the comprehensive report on the results of implementation of the recommendations of the Expert Group to Conduct a Review of the Effective Operation and Functioning of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (A/56/853) that the request by the Tribunal for ad litem judges "is considered critical to the Tribunal's completion of trials at first

instance by 2008 instead of the originally envisaged date of 2017". Thus, the speed with which the Tribunal is able to complete its mandate would depend, among other things, on the trial capacity available to it, including the number of authorized ad litem judges.

16. The Advisory Committee was informed that the Security Council had approved the maximum of four judges, subject to an informal understanding that that decision would be later reviewed. However, the representatives of the Tribunal informed the Committee that the Tribunal was in a position to use only three, six or nine judges. Under these circumstances, the rationale for the Security Council's decision to authorize up to four ad litem judges was not readily apparent to the Committee. The Committee was informed that three judges would be used and that the President of the Tribunal would request the Council to review the matter again, with a view to obtaining approval for an additional five ad litem judges. Subsequent to its meetings with the representatives of the Tribunal, the Committee was informed that the President of the Tribunal had made a statement to the General Assembly to that effect on 28 October 2002. The Committee was informed that she had also made a statement on the matter to a closed meeting of the Security Council.

17. **Taking into account the vacancy situation in the Tribunal, the Committee does not believe that all 46 additional posts will be required. Accordingly, the Committee recommends that the number of support staff for the ad litem judges be reduced from the 46 requested in paragraph 8 of the report of the Secretary-General to 36. Additional requirements could be met through redeployment. The Committee therefore recommends a reduction of $282,100 gross ($245,500 net). This is equivalent to one P-4, three General Service (Other level) and six Local level posts. The related appropriation would be $4,778,000 gross ($4,359,900 net). Should future action by the Security Council increase the number of ad litem judges, the Secretary-General can, if necessary, submit a proposal for additional support staff.**

18. The Advisory Committee was informed that the Tribunal's investigations would be completed in June 2003. The Committee points out that the completion of investigations would mean an attendant reduction in the number of posts in the Tribunal, which would offset, in some measure, the increase in posts necessitated by the use of ad litem judges.

19. An additional expenditure of $3.7 million is projected for the defence counsel costs referred to in paragraph 16 of the first performance report for 2002-2003 (A/57/481); this is based on "current expenditure patterns at the Tribunal". **In the opinion of the Advisory Committee, the projected additional expenditure of $3.7 million for defence counsel is too tentative to warrant immediate authorization of funds (see para. 21 below).**

20. As indicated in paragraph 39 of the financial performance report for 2001 (A/57/368), the funding of the shortfall in respect of the overexpenditures incurred in 2001 is addressed in the first performance report for the biennium 2002-2003 (A/57/481). The proposals of the Secretary-General for action to be taken by the General Assembly in respect of the additional requirements arising from the elements described in the performance reports are set out in paragraph 20 and in the draft resolution contained in annex IV to the first performance report (A/57/481).

21. **With regard to paragraph 2 of the draft resolution contained in annex IV to the first performance report, the Committee recommends a reduction of $282,100 gross ($245,500 net) in the amount to be appropriated in connection with the establishment of ad litem judges. The Committee recommends that the Assembly approve the financing of the unassessed expenditure for 2001 of $2,664,500 gross ($1,880,000 net) from the unencumbered balance in the Special Account for the Tribunal, as proposed in paragraph 3 of the draft resolution. With regard to paragraph 4 of the draft resolution, the Committee notes, as indicated in schedules 1 and 2 and paragraph 13 of the first performance report, that favourable exchange rates for the period from January to October 2002 have led to a projected reduction of $13,237,800 (of which $10,165,800 is under the Registry) in the estimates for the biennium 2002-2003, and the trend may continue. Accordingly, and taking into account what is stated in paragraph 19 above, the amount of $2,177,700[1] need not be appropriated at this time nor financed from the unencumbered balance in the Special Account (see A/57/481, para. 18). However, the Committee recommends that the General Assembly authorize the Secretary-General to incur commitments up to that amount, should it be deemed necessary, and report thereon in the context of the next performance report.**

22. The Advisory Committee requests that a timetable for implementation of the completion strategy of the Tribunal and precise information on plans to hand over cases for trial by national or third-country jurisdictions be provided in the next budget estimates, together with information on the financial implications and the time frame for any expenditures involved.

B. Conditions of service for the ad litem judges of the International Tribunal for Rwanda

23. The Advisory Committee notes that the conditions of service for the ad litem judges of the International Tribunal for Rwanda proposed by the Secretary-General in his report (A/57/587, paras. 29-34) are based on the provisions of General Assembly resolution 56/285 of 27 June 2002, by which the Assembly endorsed the recommendations of the Committee (see A/56/7/Add.2) with regard, inter alia, to the emoluments and other conditions of service of the members of ad litem judges of the International Tribunal for the Former Yugoslavia. **The Advisory Committee recommends approval of the proposal in paragraph 28 of the report of the Secretary-General (A/57/587) that the conditions of service approved by the Assembly for the ad litem judges of the International Tribunal for the Former Yugoslavia be applied to the ad litem judges of the International Tribunal for Rwanda. Accordingly, the Committee also recommends approval of the proposed conditions of service as set out in paragraphs 29 to 34 of the report.**

24. **The Committee further recommends that the various provisions which have been approved by the General Assembly concerning conditions of service**

[1] The amount of $2,177,700 is based on: increases in requirements resulting from changes in inflation assumptions ($11,983,900) and increased provision for defence counsel costs ($3,700,000), offset in part by decreases resulting from changes in exchange rates ($13,237,800) and adjustments to standard salary costs ($268,400).

of judges of the Tribunals, including ad litem judges, be compiled and issued in a readily usable format.

II. International Tribunal for the Former Yugoslavia: financial performance report for the period from 1 January to 31 December 2001 and first performance report for the period from 1 January 2002 to 31 December 2002

25. The Advisory Committee welcomes the report of the Secretary-General on the financial performance of the Tribunal for the Former Yugoslavia for the period from 1 January to 31 December 2001 (A/57/367). As recommended by the Committee, the format and content of the report follow that of the Tribunal budget estimates and include, as appropriate, programme and performance information. The summary table is accompanied by tables for each of the three organs of the Tribunal, including expenditure by object of expenditure. The report also includes performance workload as compared with benchmarks used to prepare the estimates.

26. The expenditure during the period from 1 January to 31 December 2001 totalled $108,901,300 gross ($95,982,500 net), as compared with the total appropriation authorized by the General Assembly of $113,768,600 gross ($101,343,300 net), including the commitment authority of $5,280,900 gross ($4,899,400 net). Reduced requirements for the period resulted in underexpenditures of $4,867,300 gross ($5,360,800 net), or 4.3 per cent and 5.3 per cent of the total gross and net amounts, respectively, authorized by the General Assembly (see A/57/367, table 1). The difference between the assessed budget and the expenditure for the period is $413,600. The Secretary-General requests that the General Assembly take note of the utilization of the commitment authority and of the associated financing for the unassessed expenditure of $413,600 that would be drawn from the balance currently available in the Special Account for the Tribunal (see A/57/367, para. 33).

27. Significant variances between appropriations (including commitments) and expenditures, by object of expenditure, for the Tribunal as a whole, are shown in table 1 of the performance report (A/57/367) and explained in the text. These include overexpenditures under posts (net of staff assessment) ($2,943,300), other staff costs ($529,900), furniture and equipment ($723,500), alteration of premises ($532,400) and staff assessment ($496,000). These were offset by underexpenditures of $664,800 under salaries and allowances of judges, $118,500 under consultants and experts, $1,662,000 under travel, $4,289,900 under contractual services, $3,134,400 under general operating expenses, $900 under hospitality and $221,900 under supplies and materials.

28. The Advisory Committee notes from paragraphs 21 and 22 of document A/57/367 that the underexpenditure of $4,289,900 under contractual services includes savings of $2,225,400 related to defence counsel, owing to a reduced number of detainees. The appropriation of $14,050,000 for defence counsel was based on the assumption that the average number of detainees in 2001 would increase to 50, but the actual average number of detainees was 36. **The Committee trusts that the next estimate will be prepared more accurately. Furthermore, in the future, information should be provided on productivity, including savings,**

if any, from the implementation of control and monitoring measures that have been introduced recently to improve the management of the legal aid programme of the Tribunal.

29. Regarding verbatim reporting in the French language, the Advisory Committee notes the failure to secure a contract with a commercial firm, as stated in paragraph 21 of document A/57/367, and the subsequent use of temporary assistance funds for meetings to hire short-term French-speaking court reporters, in addition to short-term translators and interpreters (see A/57/367, para. 18). **The Committee requests that, in the next budget estimates, funds be requested for the most cost-effective means considered by the Registry to deliver this type of service. That is to say, if it is considered preferable to hire short-term staff rather than to utilize contractual services, funds should be requested under this item rather than under the item for contractual services. The Committee trusts that all available options will be explored, including off-site solutions and those using modern technology.**

30. The Advisory Committee welcomes the information on voluntary contributions and their use included in annex II to document A/57/367. **The Committee requests that, in the future, information be also provided on the number of interns and their use along the lines set out in paragraph 3 (h) of annex II.**

31. The first performance report for the period from 1 January 2002 to 31 December 2003 is presented pursuant to General Assembly resolution 56/247 A of 24 December 2001. The report includes a requirement for an additional appropriation in the amount of $14,060,300 gross ($13,053,300 net). The General Assembly is requested to approve a total revised appropriation of $262,986,500 gross ($236,223,100 net) and, taking into account the unencumbered balance available in the Special Account for the Tribunal of $14,473,900 gross ($13,053,300) as at 31 December 2001, the unassessed expenditure in 2001 of $413,600 (see para. 26 above) and the amount assessed for 2002 of $120,374,300 gross ($107,037,050 net), to approve the balance to be assessed for 2003 of $128,551,900 gross ($116,132,750 net) (see A/57/480, annex III).

32. The Advisory Committee notes the budgetary assumptions in the revised estimates shown in annex I to document A/57/480 and welcomes the performance information on benchmarks used to estimate resource requirements (A/57/480, paras. 3-4 and annex II). The proposed additional requirement of $14,060,300 gross ($13,053,300 net), based upon the adverse experience in respect of exchange rates ($4.4 million), inflation ($5.8 million) and standard costs ($3.3 million) (A/57/480, para. 9), also includes the amount of $591,500 gross ($478,000 net) for two additional trial teams in the Prosecution Division, resulting in an increase in the total number of trial teams from 10 to 12 (A/57/480, para. 13 and schedules 1-2).

33. The Advisory Committee recalls that, in paragraph 36 of its report dated 28 November 2001 on the budget for the Tribunal for the biennium 2002-2003 (A/56/665), it indicated that when ad litem judges were approved one additional trial team had also been approved. In his report on the biennial budget for the Tribunal for the biennium 2002-2003, the Secretary-General requested two additional trial teams to bring the total to 12 trial teams, 6 of which would be in trial and 6 would be involved in trial preparation (see A/56/495, table 8 and A/56/495/Add.1, annex IV, paras. 6-18). Taking into account the resources approved for the Prosecution Division for 2001 and the additional resources recommended for approval for other

staff costs for the biennium 2002-2003, the Committee recommended approval of only one additional trial team composed of a senior trial attorney (P-5), two trial attorneys (co-counsel) (P-4), one legal officer (P-3), one case manager (General Service) and one trial support assistance. This would have provided the Tribunal with a capacity of six trial and five preparatory teams.

34. As indicated in paragraph 15 of document A/57/480, the General Assembly, in its resolution 56/247 B, approved the staffing table for the Tribunal for the biennium 2002-2003, as recommended by the Committee, except for the establishment of the additional trial team mentioned above. The General Assembly requested the Tribunal to undertake a review of its requirements in respect of the trial teams needed in the Prosecution Division. **Taking into account the information presented during the hearings, the Committee reiterates its recommendation contained in paragraph 36 of its report A/56/665 that one additional trial team be approved for the Prosecution Division of the Tribunal.**

35. **In the context of the evolving completion strategy, the Advisory Committee was informed that the Office of the Prosecutor plans to complete investigations by 2004. That being the case, the Committee is of the view that the Tribunal should start to plan early (i.e., in 2003) for the reduction or reallocation of the investigation staff capacity of the Office of the Prosecutor.**

36. The Advisory Committee notes the statement by the President of the Security Council, dated 23 July 2002 (S/PRST/2002/21), in connection with the Security Council's consideration of the report on the judicial status of the Tribunal (S/2002/678). The Security Council endorsed the report's broad strategy for the transfer of cases involving intermediary and lower-level accused to competent national jurisdictions as likely to be in practice the best way of allowing the International Tribunal for the Former Yugoslavia to achieve its current objective of completing all trial activities at the first instance by 2008. **In this connection, the Advisory Committee requests that the Secretary-General provide detailed information on the potential financial obligations of the United Nations for the enforcement of sentences with regard to transferred cases, in the context of the next estimates for the Tribunal.**

III. Enforcement of sentences

37. The Advisory Committee welcomes the information provided in the report of the Secretary-General on long-term financial obligations of the United Nations with regard to the enforcement of sentences (A/57/347). The Committee understands that the report does not attempt to cover all eventualities, that it is preliminary and that the related costs indicated are based on assumption rates currently applied by the United Nations. The Committee notes that the report contains no information on costs related to cases transferred to national or third-country jurisdictions.

38. As indicated in paragraphs 11 to 13 of the report, a model agreement on the enforcement of the Tribunal's sentences was prepared by the Registry of the Tribunal in consultation with the Office of Legal Affairs. The Advisory Committee notes that, during negotiation with three countries, changes were made to the model agreement. However, notwithstanding the terms of the agreements, the States concerned have indicated that they are not in a position to accept convicted persons from the Tribunal unless the United Nations agrees to bear at least certain costs, in

particular the cost of their upkeep. The effectiveness of the model agreement is therefore not evident.

39. The information provided in the report indicates that the practice in this area is developing in an ad hoc manner, rather than on the basis of an agreed plan of action with prior involvement of the competent organs of the United Nations. The Advisory Committee therefore welcomes the information contained in paragraphs 42 and 43 of the report, which is intended to alert both the General Assembly and the Security Council to future mechanisms which may be needed to deal with issues arising in the course of sentence enforcement.

40. The Advisory Committee was informed that the agreements entered into thus far do not contain provisions for the Tribunals to bear the cost of upgrading prison facilities. The Committee recalls paragraph 49 of its report dated 29 November 2001 (A/56/666), in which it requested an explanation of the legal and financial reasons for the use by the Tribunal of only $43,300 of the $213,500 authorized for 2001 for the upgrading of prisons, following a ruling by the Office of Legal Affairs. The Committee notes the explanation in paragraph 8 of the report that "the Tribunal did not fully utilize these resources because of uncertainty stemming from an interpretation that the statute did not include provisions for upgrading prison facilities". However, paragraph 17 of the report of the Secretary-General (A/57/347) appears to indicate that such an expenditure by the United Nations would be lawful and proper. The Committee sought clarification of this matter, but is still without assurance that the decision of the General Assembly would be carried out. **The General Assembly may wish to give further policy guidance on this matter.**

41. **The Advisory Committee recommends that the General Assembly take note of the report of the Secretary-General, on the understanding that future budgetary requests on enforcement of sentences would be considered on a case-by-case basis, taking into account the legal, administrative and financial justification provided in support of each request. Given the importance of the issues raised and their relevance to the successful implementation of a completion strategy, the Committee draws attention to the need for the General Assembly and the Security Council to address the issues raised in paragraphs 42 and 43 of the report.**

IV. Comprehensive report on the results of the implementation of the recommendations of the Expert Group

42. The report contained in document A/56/853 is submitted in response to the request of the General Assembly in its resolution 54/239 B of 15 June 2000. It outlines the results of the implementation of the recommendations of the Expert Group appointed to conduct a review of the effective operation and functioning of the International Tribunal for Rwanda (General Assembly resolutions 53/212 and 53/213 of 18 December 1998).

43. The Advisory Committee welcomes the report but believes the information contained in it could have been organized differently highlighting over all results by themes and changes that have taken place. The presentation is, in the Committee's opinion, scattered on the basis of the action taken on each recommendation of the expert group. The Committee notes that the report was issued in March 2002 and

recalls that, during its visit to The Hague and Arusha in May and June 2002, it was informed that some of the observations in the report had already been overtaken by events.

44. Nevertheless, the Advisory Committee notes from paragraphs 4 to 12 and 136 to 140 of document A/56/853 that considerable changes have been made in the two Tribunals, as a result of the recommendations of the Expert Group. Some of the major changes are the appointment of ad litem judges and the exercise of greater control by judges over judicial activities of the Tribunals before and during the trials. Indeed, the appointment of ad litem judges has been pressed by the Tribunals as a means to increase their capacity in order to complete their mandates by 2010 and not at a later date, as originally envisaged (i.e., by 2017 in the case of the International Tribunal for Rwanda and 2018 for the International Tribunal for the Former Yugoslavia). As stated in paragraph 139 of document A/56/853, the report of the Expert Group and the continuing process of implementation of its recommendations have made a critical contribution to the fulfilment of the Tribunal's vision.

45. The Advisory Committee intends to continue to follow up on the implementation of the recommendations of the Expert Group in the context of its review of the budget estimates for the biennium 2004-2005 for the Tribunals. In the meantime, the Committee recommends that the General Assembly take note of the report of the Secretary-General.

United Nations A/57/594

General Assembly

Distr.: General
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Original: Spanish

Fifty-seventh session
Agenda items 109 and 160

Human rights questions

Measures to eliminate international terrorism

Letter dated 29 October 2002 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to inform you that, despite all the action taken by his friends and relatives, by the Government of Cuba and by individuals and institutions in the United States of America, the authorities of that country continue to subject Mr. René González, who is serving a long and unfair prison sentence, to cruel, inhuman and degrading treatment. As we had the honour to inform you in our letter of 4 June 2002 (A/56/969), the appeal against this sentence is still pending.

On 25 September 2002, the United States authorities refused for a second time to issue the visa requested by Ms. Olga Salanueva, Mr. González's wife, a United States citizen who has been sentenced to 15 years' imprisonment. The application was filed on 10 July of this year, so the authorities took 87 days to make their decision.

On 23 April 2002, the United States Department of State had revoked the entry visa to the United States issued to Ms. Salanueva so that she could visit her husband, Mr. González, at the penitentiary in Loreto, Pennsylvania, accompanied by her daughter, Ivette.

The child, who is only four years old and was born and lived in the United States until her mother was expelled after a cruel and illegal imprisonment, has been prevented from seeing her father, a prisoner since 1998, almost all her life.

The purpose of constantly denying, revoking and/or delaying for long periods the issue of an entry visa into the United States for Mr. González's wife can only be to cause the prisoner additional suffering during his appeal. They are acts of detestable cruelty and blatant illegality and constitute flagrant and systematic violations of his human rights and those of his family.

02-68405 (E) 111102 111102

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly under items 109 and 160.

Accept, Sir, the renewed assurances of my highest consideration.

(*Signed*) Bruno Rodriguez **Parrilla**
Ambassador
Permanent Representative

Annex to the letter dated 29 October 2002 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

[English and Spanish]

Statement by Mr. Ricardo Alarcón de Quesada, President of the National Assembly of People's Power of Cuba

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The news is that six months after being unjustly sentenced and after having presented the due appeals, the case file is still in Miami and has not yet been passed onto the Atlanta circuit court for revision. Why? Because no one has decided what to do with hundreds of sealed documents classified as "evidence". Perhaps the fortunate readers of future editions will someday know more of the content and nature of these documents. Prologue after prologue, book after book, discovery after discovery, the full story will emerge and one day the whole truth will prevail.

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The reality was even worse than the prediction. The verbatim minutes from the trial, beginning on 27 November with the selection of the jury, until 5 June 2001, when the jury withdrew to prepare its verdict, offer clear evidence of the intimidation of these jurors by individuals passing for local journalists and reporters from TV Marti, a station that is controlled by and acts in the name of the United States Government. I did not get this information from a "spy", but from someone above all suspicion: none other than the Honourable Joan A. Lenard, the federal judge who presided over his trial. On pages 111 and 112 from 27 November the reader will find the Judge's complaints regarding cameramen and other provocative elements assailing possible jurors in the very doors of the courthouse. Reading on to pages 14,644 to 14,646 from 5 June, we will find Lenard's description of how the cameras relentlessly pursued the jurors until even their licence plates were filmed. Ms. Lenard tells of how her own secretary witnessed the press pursue the jurors up to the courthouse steps and even to the interior elevator (p. 14,644). According to the judge, the jurors "are concerned. They are concerned they are being filmed and pressed ..." (p. 14,646). The judge did nothing, however, to put an end to this

shameful situation. In the judge's words, the jurors were "being pressed" and were "concerned". These are the words recorded in the minutes of the trial and yet she did nothing. The individuals who so scandalously flaunted the norms of a legal trial were clearly identified as employees of a company — TV Marti — that is an official agency of the United States Government. Who was it, therefore, who went on record publicly and openly pressuring the jury without the slightest attempt at concealment?

Within these conditions it is easier to understand the jury's seemingly surprising behaviour. Just a few short hours were needed to arrive at a unanimous decision on the previously announced hour and date. They expressed no doubts, asked for no clarifications and declared the five suspects guilty of all charges. They did not hesitate, even over the most serious charge — that accusing Gerardo Hernández of conspiracy to commit first degree murder. Even the U.S. Attorney's office had admitted that it had been unable to prove this charge and therefore asked the Court of Appeal — in a rare move — to review the jury's instructions and reduce the gravity of the charge. In its emergency petition for writ of prohibition to the Court of Appeal on 25 May 2001, the U.S. Attorney's office recognized that "in light of the evidence presented in this trial, this presents an insurmountable hurdle for the United States in this case, and will likely result in the failure of the prosecution on this court" (p. 21) since it "imposes an insurmountable barrier to this prosecution in contravention of the established law" (p. 27). The Government was afraid of the fact that "it is highly probable that the jury will request further elaboration on this issue" (pp. 20-21).

However, although the Court of Appeal rejected the Government's petition, nothing like it happened. Without further ado and without a moment's hesitation, the jury declared Gerardo guilty in the first degree of the alleged crime.

I will now comment on a recent piece of information carefully smothered by the so-called mass media.

On 23 April 2002, the State Department revoked the visa it had previously granted to Olga Salanueva, wife of René González, thereby forbidding her and Ivette, her four-year old daughter with René, from "visiting". Ivette last saw her father in 1998, when she was only four months old. On both occasions her father was cuffed, chained and kept at a distance by the FBI agents that surrounded him.

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But it is important that the readers know now the causes of this perverse and stupid behaviour.

The case of René González is the key to understanding the true nature of a process guilefully hatched with the sole purpose of protecting anti-Cuban terrorism and of punishing those who combat it from within the United States. René himself captures this in his plea: "If I felt compelled to go to trial, it was from a sense of solidarity with my brothers". They did not accuse him of espionage, they did not beset him with the slanderous accusation of "murder". René was solely and exclusively condemned for having penetrated terrorist groups based in Miami and informed Cuba of their criminal plans. If he had cooperated with the U.S. Attorney's Office and given fake evidence to help fabricate the false accusations against his fellow countrymen he would now be a free man. He would be a free man without dignity. Dignity he has in excess. In an effort to force his cooperation they mistreated his wife, his daughters and himself with abominable cruelty. And they continue to abuse them all today because they know that René González is, in his very essence, an irrefutable proof of the innocence of all five.

He is such convincing proof that both prosecutors and the judge, moved by rage, left a clear record of this disgraceful trial at the moment they passed sentence. It is worthwhile to study their word:

The judge declared: "Whether terrorism is committed against innocents in the United States or Cuba, Israel or Jordan, Northern Ireland or India, it is evil and it is wrong; but the terrorist acts by others cannot excuse the wrongful and illegal conduct of this defendant or any other." (Transcript of the sentence hearing before Honourable Judge Joan A. Lenard, 14 December 2001, pp. 42-43.) In a similar vein the prosecutor expressed "concern that the defendant, after serving his sentence, would persist with his activities" (idem p. 26). Therefore, the prosecutor insisted that, aside from the 15 years in prison — the highest possible sentence for the alleged crime — René should also be "supervised" after his release (idem pp. 26-27). The Judge, bowing to a government request, included this extraordinary order within her sentencing: "As a further special condition of supervised release, the defendant is prohibited from associating with or visiting specific places where individuals or groups such as terrorists, members of organizations advocating violence, and organized crime figures are known to be or frequent." (idem pp. 45-46).

These are words spoken in a federal court, in Miami, three months after the atrocities committed on 11 September. This is the manner in which this remarkable judge and the representatives of a hypocritical government acted; a Government whose President never ceases to shamelessly declare that "if you harbour a terrorist, you're just as guilty as a terrorist".

The only thing missing from Mr. Bush's declaration was that not only does his Government harbour terrorists, protect and defend them, announcing that it will continue to do so for the next 15 years, but he also gets together to drink with them and celebrate their common misdeeds, just like he did on 20 May in the sinister revelry held in Miami.

The victims of terrorism demand justice. All of its victims. Those brutally murdered in the Twin Towers and those that fell on other September 11ths. Those victims that continue to suffer the state terrorism promoted by an arrogant empire that has not only claimed a continent's name for itself, but also plunders and tyrannizes that very same continent. All the victims, including the five Cuban

heroes, demand justice. Every single one, not forgetting little Ivette whom in her tender innocence has helped us to discover the truth.

5 June 2002

United Nations A/57/594*

General Assembly

Distr.: General
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Fifty-seventh session
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Human rights questions

Measures to eliminate international terrorism

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* Reissued for technical reasons.

02-68405* (E) 141102 141102

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5 June 2002

United Nations A/57/595–S/2002/1235

General Assembly
Security Council

Distr.: General
8 November 2002
English
Original: Arabic

General Assembly
Fifty-seventh session
Agenda item 36
The situation in the Middle East

Security Council
Fifty-seventh year

Letter dated 8 November 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a statistical breakdown of Israeli violations of Lebanese sovereignty during the month of October 2002.

The breaches of Lebanon's sovereignty that Israel commits on land, at sea and in the air are in violation of the Blue Line and of the provisions of Security Council resolution 425 (1978), and they pose a threat to stability and promote a climate of tension in the region.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda item 36, and of the Security Council.

(*Signed*) Houssam Asaad **Diab**
Chargé d'affaires a.i.

02-68459 (E) 111102 111102

A/57/604
S/2002/1218

Annex to the letter dated 8 November 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

Statistical breakdown of Israeli violations committed during the month of October 2002

In the air				At sea	On the ground			Total	Remarks
					Military attacks	Land violations	Infringements		
Jet fighters	Reconnaissance aircraft	Helicopters	Total	Violations of territorial waters and launching of flares	Air raids and bombardment of military outposts and important centres	Artillery bombardments, shooting, infiltration and placement of installations inside Lebanese territory	Threats and brandishing of weapons, earthmoving and placement of concertina wire inside Lebanese territory		
15	6		21	1				22	Total violations in previous month: 18
									Table does not include violations in the occupied Shab'a farmlands and the Kafr Shuba hills area, a zone of military operations